

Statement of Ann Gaydos
Before the
Education and Labor Committee, United States House of Representatives
Hearing on
“Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools”
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Chairman Miller, other distinguished members of the House Education and Labor Committee, thank you for the opportunity to testify this morning on the issue of restraint and seclusion in schools. I am here today to discuss the story of what happened to my daughter Paige in the hope that my telling this story will eventually lead to a world where no other child has to suffer the same trauma she did.

Paige is our oldest child, and from a very young age had an intense interest in learning everything she could. At the age of eighteen months, she enjoyed working on jigsaw puzzles and could read off any car license plate. By two, she could recognize and draw any state in the United States. As she got older, she became interested in science, especially astronomy and geology. Paige was a self-confident, happy, energetic little girl who would start a project and remain enthusiastically focused on it until it was complete. As I said, Paige loved to learn and was like a sponge soaking up all the information she could get on a topic.

In the beginning of 2001, when she was seven years old, we became concerned about Paige’s unusual intensity, and emotional and sensory sensitivities. Loud noises caused her acute pain and she quickly became overwhelmed and sometimes withdrawn in group situations. She did not always understand how to communicate appropriately. As a result, we had her evaluated. While she remained a cheerful, bubbly, hyper-focused little girl, she was tentatively diagnosed with bipolar disorder, a diagnosis that was later discarded, and with Asperger’s Syndrome.

This came as an enormous shock to my husband and me, but we vowed to ensure that Paige would continue her education in an environment that allowed her to thrive. At the time we lived in California in a well respected school district and felt that our local schools could provide her an excellent education and some help with the complexities of social interaction. We contacted our school district to discuss where to send Paige, and eventually went to observe a classroom and talk to a teacher about having Paige attend that school.

Although Paige’s diagnoses at the time had been discussed, the school conducted only a cursory Individualized Education Plan (IEP) and at no time was a behavioral plan for Paige ever devised. After observing the room and placing our trust in a teacher who claimed she could educate and help Paige, Paige started school that March in a mixed grade classroom --kindergarten through third grade.

Paige was then very small – barely 40 pounds. Within a week at her new school, she came home bruised and told me, “Mommy, my teacher hurt me and I couldn’t breathe.” Concerned about this occurrence, my husband went in the next day to speak to the teacher. The teacher stated that she could not have caused the bruise, but informed him that she had restrained Paige for refusing to stop wiggling a loose tooth while in time out by holding her. She explained that children were supposed to be bored in the time out cubicle and weren’t allowed to play with anything, not even a loose tooth.

We were shocked that we had not been informed by the school of this use of force that had injured our daughter, and that such force could so easily be used for something as small as playing with a loose tooth in time out. At no time before Paige had stated was there a discussion about using restraints on her, but following the meeting we still felt inclined to trust and believe this teacher who had said she could help our daughter.

In June of 2001 my husband ran into a former aide from Paige's classroom who warned him that the teacher had lied to him about the tooth-wiggling incident and the resulting restraint. The aide said the teacher had not just held Paige, but had forced Paige face-down on the floor and sat on her. She told us that she had been concerned that the teacher was abusing children in the classroom and she had tried to raise her concerns with the teacher's actions first with her superiors, and then school district officials. However, no action was ever taken by the school or the school district on her concerns. In fact, the aide's attempt to expose a pattern of abuse by this teacher ultimately caused her to resign after the school declined to take any action against the teacher.

Following these revelations, we immediately asked for, and had, a meeting with the teacher and the principal to discuss what had happened to my daughter. However, the principal continued to unconditionally support the teacher. While my husband and I debated taking Paige out of the school, we did reach an agreement that Paige would no longer be restrained and I offered to come to the school to help should any crisis develop. With this agreement, we decided to allow Paige to remain at the school. However, while the restraints stopped for a little while, Paige continued to be subjected to lengthy time outs, in some cases over three hours.

The beginning of the new school year started out fine until November of 2001. At that time, Paige was hurt on two successive days after interactions with her teacher. The second injury was fairly serious – a severe bruise to the bridge of Paige's nose that lasted a week. Paige said that she had been roughly jerked off a chair for refusing to stand up, which caused her to hit her nose on the desk.

Given that we had an agreement to be contacted if a crisis should develop we were worried, and tried to contact the principal. However, we were not able to speak with the principal until a week after the event. At this time it was finally suggested that we should have an IEP meeting, but given the schedule it couldn't be until about a month later. My husband and I looked for an alternative placement for our daughter, but nothing suitable was then available.

At this IEP meeting, held in December of 2001, my husband and I were quite vociferous in insisting that Paige could not be restrained and that our daughter should not again be hurt or bruised by the teacher absent an emergency situation. We also expressed concern about the excessive time she was spending in time out and shared our belief that our daughter, like many anxious children, needed a supportive and soothing environment. Again, the teacher agreed to our suggestion that we be called immediately to collect Paige if she was having problems. For a short time, the IEP meeting helped to change the classroom environment from one that was aggressively punitive to one that was much more therapeutic and humane.

There followed a relatively good period of several months, punctuated by one incident. The teacher called me to collect Paige in April of 2002. She explained that Paige had refused to eat and so she had snatched Paige's burrito and smeared some of it in her hair. At trial, as Paige testified, we heard for the very first time that Paige felt she herself had been responsible for the incident. She said she blamed herself that so much food was smeared on her because she had "struggled." When asked why she had struggled, she said it was because she couldn't breathe as the teacher had tried to shove the burrito into her mouth and covered her nose and mouth.

That summer we decided to have Paige do summer school. Because of how our school system handles summer school, Paige had the same teacher for summer school that she had for the regular school year. In July of 2002, I was called to fetch Paige from school. The principal was very evasive, but eventually told me Paige had tried to run away from school. When I collected Paige, she seemed completely overwhelmed. She was in the school office with the teacher, the behaviorist, and the program therapist. They were all behaving strangely and nobody would look me in the face. Nobody mentioned that Paige had been restrained or hurt.

As we were driving home, Paige burst into tears and told me, "Mommy, I've been hurt all day." She showed me a severe abrasion on her upper right arm. However, she did not volunteer any information about the blow to her head until that evening. At that time, my husband noticed that she had a large bump on the upper right hand side of her head. I still did not know the full extent of this event, but I called the principal and said that Paige would not be returning to summer school and told her how upset I was that nobody told me anything about what had happened. During this call, the principal informed me Paige had been given an ice pack to the head, but nothing more about the incident.

Paige's version of this culminating incident has never wavered and is entirely consistent with the nature and location of her injuries. Paige arrived at school that morning and saw the teacher on the way from the bus into the school. Something in the teacher's demeanor that day absolutely frightened Paige and she decided it was safer to try and walk home than go to school that day. As she started to walk home, an aide stopped her and was able to bring Paige to the classroom without the use of a restraint. However, even though we had an agreement to contact me or my husband, we did not get a call from the school and the situation continued to escalate even though Paige was not a threat to harm herself or others.

As the situation began to escalate, Paige was becoming increasingly agitated, her teacher took her into an empty classroom and grabbed Paige's wrists in her left hand and forced them up between Paige's shoulder blades. The teacher then grabbed Paige's left ankle in her right hand, lifted her off the ground, and drove her head-first into the ground at a slight angle to the vertical, causing her to land on the upper right side of her body so that she struck her head and shoulder. Not being informed of the trauma to her head when I picked her up could have had some serious long-term health consequences. We should have been watching Paige for possible signs of a concussion that afternoon and any possible subdural hemorrhage.

As fate would have it, the following day Paige had an appointment with her neuropsychologist at Stanford. Paige's neuropsychologist noticed the abrasion on Paige's arm and the palpable bump on her head and questioned her about where it had occurred. She then called me in and told me she felt Paige had been abused and that she had to report the incident to Child Protective Services (CPS).

Unfortunately, CPS had no jurisdiction over public school teachers and referred the matter to the police who came to our house that evening. They photographed Paige's arm, but the case was not ultimately prosecuted. We were given many reasons for this decision, which included the police's confidence that the situation would be handled internally by the school administration and board.

However, the faith of the police in the school administration or school board was misplaced in Paige's situation. We complained to the administration and wrote to the school board. Only one board member ever responded, and his advice was to sue the district. Nobody from the district ever called to ask how Paige was doing or suggested helping her in any way. We also could get no explanation out of anybody as to what had really happened to her.

No documentation or emergency intervention reports were ever filed for any of the incidents, despite the fact that this school district had been censured for absence of documentation following a complaint to the state about the same teacher four years previously.

Given our desire for Paige to receive a quality education and the distrust we had for that to occur at her old school, we decided to place Paige in a private school for special needs children, the Children's Health Council (CHC). However, because the school district failed to meet their requirement to pay for Paige's education at CHC, Paige missed eight months of school until that matter was resolved.

Once Paige began at CHC we met another child that had suffered great trauma at the hands of Paige's old teacher. This student had been in Paige's old classroom one year before Paige had started at the school and ultimately ended up at CHC because of the abuse he had received. This little boy was kept in a seclusion time out for the entire school day (8:30 a.m. to 2:35 p.m.) for 19 successive school days. He was also denied food, water, and bathroom access during this time. In addition, he came home with unexplained injuries which lead to his mother withdrawing the boy and sending him to CHC. We also learned that the mother had complained to CPS and the police about these incidents and a police report had been filed in this case.

We were horrified that this was at least the second instance of a CPS and police report being filed about the same teacher, and we as parents of a potential student of this teacher had not been informed of this before sending Paige to that school! On learning about this similar situation, we again wrote letters to the school board and the school superintendent. Finally, after again receiving no response to these letters, and being told that CPS and the police could not help, we decided to take the advice of the school board member that had said we should sue the school district, which we did in 2003. It was through this lawsuit that we learned of many other complaints against the teacher which we as parents (along with the many other families that had sent their children to this school) had not been informed about before sending our children to the school.

The trial had the absurdity of a Monty Python sketch about it as the story they tried to portray kept changing, and the school district attacked everyone other than the real perpetrators. One of the arguments that the district attempted to make was that our motive was to enrich ourselves through this lawsuit. Let me assure you that nothing could be further from the truth. We had offered to settle the lawsuit prior to trial for the costs of our legal fees, but we made it absolutely clear that we would not accept a confidentiality clause. After having met the other child at CHC that had been abused by the same teacher and learning of other stories through the lawsuit, we could not allow this to be swept under the rug through the use of a confidentiality clause.

Ultimately the jurors were unanimous in their verdict and found the teacher, principal, and district liable for damages. These damages are in a trust fund for Paige which she can access when she turns 18. Having to get the school district to recognize the problems with this teacher through a lawsuit was the last way in the world that this should have been addressed. It would have been much easier, and safer for many children, if the school district had taken seriously the allegations of abuse and neglect against this teacher at an earlier time, or if the school board had chosen to address the problem later.

We wish this was like the fairy tale stories we used to read to Paige as a little girl where you say, "and everyone lived happily ever after." Unfortunately, this is not the case. After we had withdrawn Paige from her old school, the teacher returned to the classroom as though nothing had happened. Shortly thereafter, a program therapist had occasion to call Child Protective Services after the teacher threatened a child with a pair of scissors. As was mentioned earlier, CPS has no jurisdiction over public school teachers and suggested to the therapist that she should call the police or speak to the administration. She spoke to the administration and the teacher finally left the school.

However, while she may have left that school, she went to work for another school district in California shortly thereafter. Since there was no central database established or requirement for schools to check for police or CPS reports, the school district did not know about these past incidents. To this day, the teacher still holds a valid California teaching license.

Paige is now 15, and has never fully recovered from these experiences. While still very intelligent, Paige has lost the enthusiasm she used to have for learning. She has since never achieved academically at the stellar level she did before these experiences. She is still afraid of schools, but she no longer hides beneath the desk as she used to do at her old school and at CHC when she

first started there. We also believe that the events that occurred in this classroom kept her from being properly diagnosed for years delaying the ability to get her the proper services and supports.

We love our daughter with all our heart, and believe she will achieve great things in her life, but we are saddened by the tremendous loss of innocence and potential that she suffered at the hands of that teacher and the entire school administration that ignored these events. We tremble when we hear the stories from other parents about the long-term consequences that their children suffered from the same school system.

If we could go back and change history for our daughter we would. We unfortunately cannot do that, but hope that my being here to convey Paige's story along with the other witnesses testifying today will eventually lead to a world where the things that happened to Paige will no longer happen again.

Again, thank you for the opportunity to testify today.