

August 24, 2009

The Honorable Charlie Crist  
Governor, State of Florida  
The Capitol  
Tallahassee, FL 32399

The Honorable Dr. Eric J. Smith  
Florida Commissioner of Education  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, FL 32399

Re: Immediate Statewide Moratorium on Corporal Punishment for Students with Disabilities

Dear Governor Crist and Commissioner Smith:

I am writing today in my capacity as Executive Director of Family Network on Disabilities of Florida, Inc. (FND). FND is a statewide, grassroots, family-led and family-driven organization that serves all persons with disabilities and those who are at risk, as well as their families. On behalf of the FND Board of Directors, I am writing to urge you to impose an immediate statewide moratorium on the use of any form of corporal punishment against students with disabilities in Florida public schools. We will also be calling on District Superintendants and school boards across the state to take this action.

Throughout our 25 years of service to persons with disabilities, we at FND have heard concerns raised by students and their families about the use of corporal punishment against students with disabilities. However, the immediate trigger for us to call for this action are the graphic instances documented in the report by the American Civil Liberties

Union and Human Rights Watch, “Impairing Education: Corporal Punishment of Students with Disabilities in U.S. Public Schools.” A link to the full report may be found on the ACLU web site, [www.aclu.org](http://www.aclu.org).

The ACLU/HRW report contains several key findings: Twenty states allow corporal punishment of children with disabilities. Of those, many states use corporal punishment disproportionately against children with disabilities as compared to the student body as a whole. Of the top 10 states that use corporal punishment against students with disabilities disproportionately, Florida ranks ninth. Most telling, in my mind, is that students with disabilities are often being punished for manifestations of their disabilities – behaviors that are often beyond their control.

The incidents of corporal punishment described in the ACLU/HRW report go beyond anything officially sanctioned in policy, but they occur at all because corporal punishment of children with disabilities in some form is allowed under Florida law and policy. This example, quoting Anna M., a Florida mother of a seven year old boy who has autism, is representative of the instances cited:

“I’m in the front office ... They bring [my son] into the room. His nose is beet red. He lifts up his shirt sleeve. I get a glimpse of scratches all up his arm. I got overwhelmed, I couldn’t focus ... I wanted to get my son to the doctor, I get him home and I take off his clothes. He was marked, top of his arms, under his arms, down his torso. He had a busted lip, which I hadn’t notice at first. He said, ‘they made me wash the blood off before I saw you.’”

I want to make clear what we’re not calling for – we’re not calling for an end to corporal punishment for all students. We’re not dealing with the issue of proper seclusion and restraint – while related to corporal punishment for students with disabilities, that’s another issue for another day. Finally, we’re not calling for an end to discipline for students with disabilities – we’re saying, however, that such discipline needs to be appropriate and effective.

I want to make clear that we at FND know and recognize that many of our public schools get this right. They treat students with disabilities entrusted to their care with love and respect. We honor and salute them for their efforts. The Florida Department of Education has often led the way in our state in encouraging the use of inclusion and effective methods of educating our students with disabilities. We feel very grateful to be able to work with a dynamic, effective, and caring leader such as Bambi Lockman, Director of the Bureau of Exceptional Education and Student Services. However, even with all of these efforts, we’re not reaching everybody. Some schools, administrators, teachers, and paraprofessionals are still not getting it right and these are the ones who ended up on in the ACLU report and are ending up on the news.

For this reason, we feel the most effective step that can be taken is to immediately stop all corporal punishment in public schools across the state for all students with disabilities covered under IDEA or Section 504 of the Rehabilitation Act. We feel that

this is a necessary first step along the path of a road of discussion and change. This will make sure that, as we begin a new school year, students with disabilities in public school will not be subject to this type of discipline. We feel that this will absolutely insure that no punishment currently allowed in policy will occur, while also having a dramatic impact on reducing and, hopefully, eliminating that punishment that goes beyond what is allowed in policy.

We all know what works as an effective means of discipline for all students, with or without disabilities, and that is Positive Behavior Interventions and Supports (PBIS). Many educators in Florida promote this and many schools implement this successfully. FND has long advocated use of these methods. We feel that an expanded statewide emphasis on these methods and training for all school personnel in such methods will result in tremendous benefits for Florida's public school students with disabilities.

We would welcome a dialog with you on this issue. We look forward to you taking this action on behalf of Florida's students with disabilities and their families. We at FND stand ready to assist you, the Department of Education, school districts, and individual schools in successfully implementing both this moratorium and PBIS.

Thank you for your consideration of this matter. Should you have any questions, or require any additional information, I may be reached at the numbers and address above.

Very truly yours,

Richard La Belle  
Executive Director

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cc: FND Board of Directors  
Bambi Lockman, Director, Florida Department of Education, BEESS