Standing in Our Own Shoes

Tuesday, June 12th, 2012

The phrase in *loco parentis*, which means “in the place of a parent,” is the common law legal doctrine that permits school personnel and others who have intermittent control over children to make decisions or to otherwise control those children in the absence of their parents. This means that when our children are in settings in which their education and play are supervised by others, those adults acting as supervisors have both the right and the responsibility to engage in some direction and discipline of the children while standing in the shoes of the parent. We read a number of stories every day that describe situations in which school personnel have assaulted, restrained or secluded students with disabilities in educational environments. We are stunned by the number of incidents and angered by how difficult it is to prosecute or discipline the offenders. It is not right that children with disabilities should be so vulnerable at school.

If one of our children arrived at school with a handprint on his or her face, school officials would report us for abuse, as well they should. But if one of our children came home from school with a handprint on his or her face, there is no one we could report it to who would actually do anything about it. The most likely outcome of any such reporting would be for the child protection agency to say that it has no authority to investigate and for the police to say that no crime has been committed.

Recent stories have described school personnel putting kids in duffel bags, large boxes, closets and duct taped or tied into chairs. The people who are doing this to our children are supposed to be standing in our shoes in our absence. We would never do these things to our own children, or to any child.

How are they standing in our shoes in our absence, and where is Congress? Why hasn’t Congress acted? Why is there no agency that will hold these people accountable in the same way that we would be held accountable? What is so controversial about not allowing our children with disabilities to be abused in schools by school personnel.

The cost of waiting is the drip, drip, drip of half a dozen new stories every day describing some form of abuse of our children with disabilities that we, as parents, would never do.

We have heard stories and have been involved in cases in which school personnel have called child protection agencies to retaliate against parents who are strong advocates for their children. They do so to rattle the parent, to try to shift the focus from their conduct to the parent’s conduct or to draw another agency into the process that can take their position over the parent’s position. This dirty trick is used to get even and to distract the parents from the primary objective of advocating for their children’s educational needs and safety. How ironic that the schools can use child protection agencies for intimidation yet at the same time we parents have no remedy when
abusive school personnel “stand in the place of a parent.” We need Congress to act now to end this dreadful abuse.

Here are the primary sources to read about how our children and their families are being abused in our nation’s schools:

Tricia and Calvin Luker

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The OCLB Team
Sandy Strassman-Alperstein, Deidre Hammon, Jackie Igafo-Te’o Shari Krishnan, and Calvin and Tricia Luker, along with self advocates Benji Alperstein, Daniel Alperstein, Hannah Alperstein, Rachel Alperstein, Brianna Hammon, Melody Igafo-Te’o, Michael Igafo-Te’o, Sebastian Igafo-Te’o and Nicholas Krishnan