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“I FEEL LIKE A DUMPING GROUND”¹- LEGAL
ISSUES SURROUNDING PARAPROFESSIONALS IN
SCHOOLS

Catherine Robert*

Maureen Fox**

INTRODUCTION

¹ Quoted by Chopra et al., 2004, p. 228 from a paraprofessional explaining the difficulty of being assigned inappropriate roles, such as complex tasks like testing which are legally required to be assigned to certified teachers. Ritu V. Chopra et al., *Paraprofessional Role of Connector*, 25(4) REMEDIAL & SPECIAL EDUC. 219, 228 (2004).

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School employees serving in non-professional clerical and support roles are commonly referred to as paraprofessionals. While professional staff include teachers, counselors, and administrators, paraprofessionals serving in instructional roles (also called teaching assistants) such as classroom aides, computer lab monitors, and library aides comprise almost 13% of elementary and secondary employment.² Paraprofessionals perform a wide variety of tasks including literacy support in a regular classroom, behavioral support of students, and supporting medical needs of students receiving special education services.³ The medical needs of students include changing feeding tubes, clearing airways, changing diapers, and physically moving students.⁴ As the staff members most often tasked with working with high needs students, paraprofessionals report a host of complaints with their expansive and ill-defined roles.⁵ Unfortunately, these often-changing demands are rarely coupled with training and

² U.S. BUREAU OF LAB. STAT. (2021).

³ Michael F. Giangreco., & Stephen M. Broer, *Questionable utilization of paraprofessionals in inclusive schools: Are we addressing symptoms or causes?* 20(1) FOCUS ON AUTISM & OTHER DEVELOPMENTAL DISABILITIES, 10, 10–26 (2005).

⁴ See Sharon Conley et al., *Support Personnel in Schools: Characteristics and Importance*, 48 J. OF EDUC. ADMIN. 309 (2010).

⁵ Rebecca Frantz et al., *Exploring the professional development needs of early childhood paraeducators and supervising teachers*, 41(1) TOPICS IN EARLY CHILDHOOD SPECIAL EDUC. 20, 20–32 (2020).

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development to ensure paraprofessionals are qualified to perform requested tasks.⁶ While teachers have typically received years of instruction and supervised training, paraprofessionals receive comparatively little training; yet, through their roles, they often are in closer proximity to, and spend more time with, students receiving special education services than special education teachers.⁷

Since many paraprofessionals work closely with students who are medically fragile, and they report a need for more training, this raises the question of whether there are legal concerns surrounding the use of paraprofessional labor in schools. The purpose of this study is to review legal cases involving paraprofessionals in order to categorize and describe the key legal concerns for administrators surrounding the use of paraprofessional labor in schools. In addition to revealing common accidents that occur in special education classrooms, the cases illustrate gaps in paraprofessional training practices. The article begins with perspectives concerning paraprofessionals in schools as stated in education literature,

⁶ Rose A. Mason et al., *Ecobehavioral assessment of paraeducator behaviors that support engagement of students with disabilities* 86(4) EXCEPTIONAL CHILDREN 413, 413 (2020).

⁷ See Franziska Vogt et al., *Teaching assistants and teachers providing instructional support for pupils with SEN: results from a video study in Swiss classrooms* 36(2) EUR. J. OF SPECIAL NEEDS EDUC. 215 (2021).

then describes the theoretical framework used for interpreting the findings. Next, the methodology for searching, selecting, and analyzing cases concerning paraprofessionals follows. Finally, the article discusses the resulting themes which define key legal concerns surrounding paraprofessional use in schools and provides recommendations regarding the continuing use of paraprofessional in schools.

PERSPECTIVE AND THEORETICAL FRAMEWORK

Education research concerning paraprofessionals generally revolves around issues of training, supervision, and empowerment, primarily for work specifically with students in special education.⁸ Unfortunately, the limited amount of empirical research and resources concerning paraprofessional practices mirrors the limited amount of training this group of educators receive. As Lekwa and Reddy describe in their review of assessment approaches used to evaluate paraprofessionals, existing as-

⁸ Mason, *supra* note 6.

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assessment tools have “limited utility for guiding paraprofessional supervision and professional development”.⁹ While Hemelt and colleagues found evidence that paraprofessionals can positively improve students’ test scores in math and reading,¹⁰ Lekwa and Reddy found a lack of resources for assessing and improving skills specific to supporting students with special education needs.¹¹ Thus, while the use of paraprofessionals instead of certified teachers (or as a support for teachers) is hailed as cost-effective,¹² their practices are understudied, especially in special education classrooms.

When surveyed on their perceived needs, paraprofessionals report the need for training specific to the disability areas that they serve (e.g., autism spectrum disorders, learning disabilities, emotional disturbance).¹³

⁹ Adam J. Lekwa & Linda A. Reddy, *Current status and future directions in assessment of paraprofessional practices*, 58(4) PSYCH. IN THE SCHS. 648, 648 (2021).

¹⁰ Steven W. Hemelt et al., *Do Teacher Assistants Improve Student Outcomes? Evidence From School Funding Cutbacks in North Carolina*, 43(2) EDUC. EVALUATION AND POL’Y ANALYSIS 280, 280 (2021).

¹¹ Lekwa, *supra* note 9. Brenda L. Barrio & Aleksandra Hollingshead, *Reaching Out to Paraprofessionals: Engaging Professional Development Aligned with Universal Design for Learning Framework in Rural Communities*, 36(3) RURAL SPECIAL EDUC. Q. 136, 136 (2017); Frantz, *supra* note 5.

¹² Hemelt, *supra* note 10.

¹³ Brenda L. Barrio & Aleksandra Hollingshead, *Reaching Out to Paraprofessionals: Engaging Professional Development Aligned with Universal Design for Learning Framework in Rural Communities*, 36(3) RURAL SPECIAL EDUC. Q. 136, 136 (2017); Frantz, *supra* note 5.

Frantz and colleagues found that teachers felt their paraprofessionals' top need was training for working with behavior management and the paraprofessionals concurred, ranking behavior management as their second preferred training need.¹⁴ Over half of the teachers surveyed (57 percent) were dissatisfied with the level of training their paraprofessionals received, and 46 percent of the paraprofessionals were also dissatisfied with their level of training. Despite repeated requests for training, paraprofessionals report a host of barriers to accessing training. In some cases, they are offered training without pay and/or administrators do not allot the time needed for training, citing the cost.¹⁵ In other cases, the limited overall pay for the job causes excessive turnover and creates a continuing stream of new, untrained paraprofessionals.¹⁶ As the range of paraprofessional duties has increased, scholars recommend clarifying specific paraprofessional roles (and the roles of teachers supervising them) in order to deliver appropriate and needed training.¹⁷ As a result, the use of

¹⁴ Frantz, *supra* note 5.

¹⁵ Barrio, *supra* note 13; Frantz, *supra* note 5; Jennifer W. Jacoby & Allegra Corwin-Renner, *Assistant Teachers, Workplace Satisfaction, and the Creation of a Culturally Competent Workforce Pipeline in Head Start*, 49(5) J. CAREER DEV. 971, 971 (2021).

¹⁶ Frantz, *supra* note 5.

¹⁷ Matthew E. Brock & Eric J. Anderson, *Training paraprofessionals who work with students with intellectual and developmental disabilities: What does the research say?* 58(4) PSYCH. IN THE SCHS. 702, 702 138

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paraprofessionals for providing care for high-needs students potentially exposes schools to negligence claims from paraprofessionals' errors and injuries made due to confusion regarding duties, lack of training, and staff turnover.

A smaller strand of literature concerns paraprofessionals as sexual offenders. In a study tracking sexual offenses of educators from 2008-2016, Robert and Thompson found that 12 percent of the offenders were auxiliary or paraprofessional employees.¹⁸ Since paraprofessionals are often working in unsupervised, one-on-one settings, there are heightened opportunities for offenders working in these contexts to engage in misconduct.¹⁹ Caldas and Bensy, for example, conducted a survey regarding students with disabilities who were victims of sexual misconduct.²⁰ They found that the students who were mistreated were more likely to be in more

(2020); Frantz, *supra* note 5; Emily E. Sobeck et al., *Paraeducator supervision in pre-service teacher preparation programs: Results of a national survey*, 58(4) PSYCH. IN THE SCHS. 669, 669 (2020); Vogt, *supra* note 7.

¹⁸ Catherine E. Robert & David P. Thompson, *Educator Sexual Misconduct and Texas Educator Discipline Database Construction*, 28(1) J. CHILD SEXUAL ABUSE 7, 7 (2018).

¹⁹ Mary Fisher & Stacia L. Pleasants, *Roles, Responsibilities, and Concerns of Paraeducators: Findings from a Statewide Survey*, 33(5) REMEDIAL & SPECIAL EDUC. 287, 287 (2011).

²⁰ Stephen J. Caldas & Mary Lou Bensy, *The Sexual Maltreatment of Students with Disabilities in American School Settings*, 23(4) J. OF CHILD SEXUAL ABUSE 345, 345 (2014).

segregated classrooms and/or be assigned to settings with fewer numbers of students to adults. Thus, a search for legal cases concerning paraprofessionals should include sexual misconduct as a topic, in addition to the previously mentioned issues surrounding negligence and lack of training and supervision.

This review of legal cases was conducted with the perspective of a school administrator, not an attorney, in mind. That is, the authors identified key issues (rather than specific laws) that a supervisor of paraprofessionals should be aware of when hiring, training, and supervising this type of staff member. As McCarthy explains, “Most legal research is intended to provide analyses that support legal decision-making in a range of contexts and inform policymakers and practitioners”.²¹ While this practical purpose of informing practitioners does not rely on a theoretical foundation, some legal scholars argue that the nature of power and social control are embedded within the law, and, thus, including a theoretical perspective into a legal study is warranted for a more complete review.²²

Given the nature of paraprofessionals’ work with students receiving special education services, our interpretation of the resulting themes is

²¹ M. McCarthy, *Legal Theory & Research*, in HANDBOOK OF EDUC. THEORIES 836 (Beverly Irby et al. eds., 2013).

²² McCarthy, *supra* note 21; Sanne Taekema, *Theoretical and Normative Frameworks for Legal Research: Putting Theory into Practice*, L. & METHOD 1, 1–15 (Feb. 2018).

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rooted in Critical Disability Studies (CDS). According to the website for The Critical Disability Studies Collective out of the University of Minnesota, CDS ...analyzes how society teaches us to think about disability and ability, and how those thoughts turn into actions that so-often negatively impact the lives of disabled people. CDS is not the study of disabled people...It is a critique of social norms and social structures that stigmatize certain body minds and populations.²³ Paraprofessionals are raised in society, which teaches them how to think about ability and disability. It is not unusual for these thoughts to lead to unconscious biases, which may then lead to actions that negatively impact children with disabilities with whom paraprofessionals work. In addition, viewing the case outcomes through the lens of CDS questions the power relationship between abled and disabled, and the values embedded within our educational system concerning students with disabilities.

METHODS

This review was guided by Baude and colleagues' proposed four-step process for ensuring rigor in legal analysis. The first step identifies

²³ *Critical Disability Studies Collective*, <https://cdsc.umn.edu/about> (2023).

the legal question followed by the search for and selection of cases in the second step. The third step requires an explanation of the weighting of the cases. Finally, the last step involves analysis and conclusions²⁴

These steps ensure quality throughout the review. Establishing the specific definition of the question prior to conducting a search clarifies search terms and prevents researcher bias when making case selections (see, for example, Baude, for discussion of researcher bias and subjectivity in legal research).²⁵ Delineating the case search and inclusion choices allows for research replication. Transparent descriptions of how value is assigned to cases also provides transparency, which then informs conclusions that match the scope of the cases, rather than broad claims that are not supported by the research.²⁶ Applied to the context of this review, the four-step process provides practitioners with a thorough consideration of legal cases concerning paraprofessionals, rather than relying on administrators' perceptions of paraprofessional concerns.

For step one, identifying the legal question, the question was, "what are the key legal issues involving paraprofessionals in schools?" To

²⁴ William Baude et al., *Making Doctrinal Work More Rigorous: Lessons from Systematic Reviews*, 84 *Univ. of Chi. L. Rev.* 37, 38 (2017).

²⁵ Louise Adler et al., *QUALITATIVE RESEARCH REDUX: RESEARCHING CONTEMPORARY LEGAL ISSUES CONCERNING EDUCATION* (Steve Permuth et al. eds., 2d ed. 2015).

²⁶ Baude, *supra* note 2.

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add clarity to this question, a thorough review of education literature was conducted.²⁷

The literature, described above in the previous section, illuminated key issues primarily concerning paraprofessionals working with students in special education settings, and included problems related to training, negligence, supervision of paraprofessionals, paraprofessional supervision of children, and sexual misconduct.

For step two, search and identification of cases, the search terms were derived from the key issues identified in the literature review and are listed below. The researchers utilized the NexisUni database (a subscription research database, formerly LexisNexis) for the case search, recognized as an acceptable resource for legal research.²⁸

While NexisUni includes the option to search for secondary material such as law reviews, administrative codes, pleadings, and briefs, the researchers limited the search to cases. The case results included state and federal cases. Search terms included: “failure to supervise,” “failure to train,” “negligence,” “physical restraint,” “FERPA,” “sexual misconduct,”

27 Martha McCarthy et al., *LEGAL THEORY AND RESEARCH* 829, 841 (Beverly Irby et al. eds., 2013).

28 Silver Susan et al., *LEGAL RESEARCH USING TECHNOLOGICAL TOOLS: LIBRARIANS’ VIEW* 177, 200 (Steve Permuth et al. eds. 2015).

“deliberate indifference.” For each search, the researchers then narrowed the cases for the term “paraprofessional.” Following the first search for “failure to supervise,” duplicate cases were eliminated when using subsequent search terms. The search was intentionally broad, since the study’s purpose was to categorize and describe legal concerns regarding paraprofessionals, rather than look for legal precedent. Unreported decisions (three in the final selection and noted in the Appendix) were included. A date range was not specified, thus cases spanned from the late 1900s through November 2020 (the time of the search) were included. Note that the term “paraprofessional” in the context of educational aides emerged following the Elementary and Secondary Education Act (ESEA) in 1965.²⁹ The search results are detailed in Table 1.

Table 1: Search Results of Paraprofessional Cases, by Search Term Used

Search Term	Second Term	No. of Cases	Third Term	No. of Cases	No. of Dupl.	Re-moved Cases	Final No. of Cases
Failure to supervise	paraprofessional	76	---	76	---	25	51
Failure to train	paraprofessional	53	---	53	15	13	25
Negligence	paraprofessional	401	---	401	53	300	48
Physical restraint	paraprofessional	90	---	90	25	52	13

²⁹ Sharon Conley et al., *Support Personnel in Schools: Characteristics and Importance*, 48 J. of Educ. Admin. 309, 328 (2010).

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FERPA	paraprofes- sional	18	---	18	3	14	1
Sexual mis- con- duct	paraprofes- sional	40	---	40	9	24	7
Delib- erate indif- ference	paraprofes- sional	169	school	151	35	110	6
Total cases							151
2 nd Re- view				151	8	65	78

Cases were removed for “failure to supervise,” “failure to train,” “FERPA,” and “sexual misconduct” included cases that were about either doctors, attorneys, or school cases that did not actually involve paraprofessionals. For the term “negligence,” non-relevant cases included lawsuits regarding inappropriate billing for use of paraprofessional time in legal or other professional services. For “physical restraint,” the nonrelevant cases included several suits specific to parents claiming deprivation of FAPE, teacher lawsuits in which paraprofessionals were witnesses, and several suits with mental institutions or other government entities as defendants instead of school districts. For “deliberate indifference,” many non-relevant cases were about parents’ issues with not being provided a para or general complaints about FAPE, while others were about teachers with paras noted as witnesses.

Once the search was complete, the researchers skimmed each case to determine if, generally speaking, it addressed an issue within a public school. Paraprofessionals serve in multiple fields, such as law firms and libraries, so we eliminated those cases in the first review. In the second review, the researchers further considered if the case concerned a paraprofessional in a public school and if the paraprofessional(s) were key parties in the cases. All cases were summarized at this stage. In several circumstances, paraprofessionals were mentioned within hearing officer decisions on actions seeking special education modifications for students. These cases were removed. A final group of seventy-eight cases comprise the resulting collection. For the analysis, the researchers then reviewed the case summaries to identify common themes,³⁰

including locations of injuries sustained in the cases, the specific legal complaint, the identity of the plaintiff (parent or paraprofessional), etc. The results are described in the following section.

FINDINGS

³⁰ Johnny Saldaña, *THE CODING MANUAL FOR QUALITATIVE RESEARCHERS* (Sage Publ'n, 2d ed. 2013).

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Our review of seventy-eight legal cases concerning paraprofessionals revealed six themes:

restraint/physical abuse, sexual misconduct, paraprofessionals as key witnesses, supervision, employment issues, and free speech issues. Appendix A provides each case summary and outcome, organized first by theme, then by jurisdiction. This section includes a description of each theme, highlights core issues remaining after initial motions for summary judgment and dismissal and connects the common fact patterns within each theme to the literature surrounding paraprofessionals.

I. Restraint/Physical Abuse

Paraprofessionals were frequently mentioned in cases concerning restraint and/or physical abuse of students receiving special education services. Sixteen cases included issues in which students were placed into seclusion rooms, often by force, and, in some cases, suffered injuries. Most of the cases (eleven) were at the Federal District Court level, one was a federal appeals case, three were at the state supreme court level, and one was at the state appeals level. Of the 16 cases, six include claims of documented injuries (see, for example, *Padilla ex rel. Padilla v. School Dist. No. 1*,³¹ in which a student was restrained in a stroller and suffered skull

³¹ *Padilla ex rel. Padilla v. School Dist. No. 1*, 233 F.3d 1268, 1271 (10d Cir. 2000).

fractures when the stroller tipped backwards and fell) and two include student deaths. For example, in *Shinn v. Detroit Pub. Schs.*, a student with epilepsy hit her chin after a paraprofessional pushed her, which was followed by an increased number of seizures, and, ultimately, the student's death.³² A different case, *King v. Pioneer Reg'l Educ. Serv. Agency*, addresses a situation in which a student in the time-out room hung himself with a length of rope that a paraprofessional gave him to use as a belt.³³ Key factors in this theme include the physical process of moving a student (who often does not want to be moved).³⁴ As well as the evident mental toll on paraprofessionals when they experience repeated encounters with challenging students.³⁵

In some cases, paraprofessionals received legally prescribed training (as in *Clines*),³⁶ while others report a lack of training. For example, in *Crecy v. Kankakee Sch. Dist. #111*,³⁷ an assistant hall monitor never re-

³² *Shinn v. Detroit Pub. Schs.*, No. 09-13799, 2011 WL 346482, at *3 (E.D. Mich. 2011).

³³ *King v. Pioneer Reg'l Educ. Serv. Agency*, 301 S.E. 547, 551 (Ga. Ct. App. 2009).

³⁴ *Chapdelaine v. Town of Brookfield*, No. : DBDCV166018806S, 2017 Conn. Super. LEXIS 3876, at 2* (Conn. May 18, 2017) (a child lost part of a finger when he resisted being placed in seclusion).

³⁵ [Clines v. Special Admin. Bd. Transitional Sch. Dist. of St. Louis, No. 4:18-CV-00153-NAB, 2020 U.S. Dist. LEXIS 203336, at 8* \(E.D. Mo. Oct. 9, 2020\)](#) (a paraprofessional responded appropriately to a nonverbal student with autism in response to his first two kicks, but then used incorrect measures after the third kick, leading to the student breaking an arm and dislocating an elbow).

³⁶ *Id.*

³⁷ *Crecy v. Kankakee Sch. Dist. #111*, No. 15-CV-1014, 2016 U.S. Dist. LEXIS 196585, at *5-6 (C.D. Ill. June 20, 2016)

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received training for appropriate restraint techniques, and allegedly restrained a student by grabbing his neck. The restraint/physical cases viewed in total illustrate the fact that paraprofessionals are often responsible for restraining students with special education needs, that the restraint activities require specialized training, which may or may not take place, and that, even with training, injuries and errors in judgment may still occur when working in challenging situations. Research supports the findings here regarding the need for training (as in *Padilla*)³⁸ and the efficacy of existing training that paraprofessionals receive when working with students with special needs.³⁹ In *Clines*, the paraprofessional received training and deflected a student's kicks appropriately, though the student's behavior continued, and the paraprofessional acted out in frustration with the continued student behavior. Both *Clines* and *Padilla* demonstrate the extreme challenge that paraprofessionals face when students exert physical (often repeated) behaviors for which their training does not prepare them with appropriate responses.⁴⁰ In one successful example of training

³⁸ *Padilla*, 35 F. Supp. 2d at 1262.

³⁹ Frantz, *supra* note 5, at 20–32; Lekwa & Reddy, *supra* note 9, at 648–68.

⁴⁰ See *Clines*, No. 4:18-CV-00153-NAB; *Padilla*, 35 F. Supp. 2d.

paraprofessionals for working with students with behavioral needs,⁴¹ one found that job-embedded coaching was more likely to enhance paraprofessionals' overall knowledge of behavioral problems and result in their selection of the most appropriate response.

II. Sexual Misconduct

The thirteen cases specific to paraprofessionals who committed sexual misconduct illustrate the ease with which this type of employee can remove a student from the classroom for inappropriate reasons.⁴² In cases specific to special education students, paraprofessionals abused students on school grounds⁴³ or invited students to their homes to engage in

⁴¹ Briana Bronstein et al., *Paraprofessionals' Perceptions of Behavior Problems in Elementary School Classrooms*, 55 J. SPECIAL EDUC. 153, 154 (2021).

⁴² Doe v. Wilton Bd. of Educ., No. FSTCV155015035S, 2017 Conn. Super. LEXIS 10599, at *1 (Conn. Nov. 9, 2017) (a male paraprofessional violated school policy by taking a four-year-old female student to the bathroom and sexually abused her).

⁴³ J.G. v. Bd. of Educ., No. PWG-16-1008, 2017 U.S. Dist. LEXIS 33597, at *3 (D. Md. Mar. 8, 2017) (a paraprofessional sexually assaulted a first-grade child thirteen to fourteen times over a period of two years at school).

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abuse.⁴⁴ In three cases, paraprofessionals also served as sporting event coaches, though whether the students involved in the case participated in the coaches' sports varied.⁴⁵ The State of Georgia notably had three separate cases concerning whether a paraprofessional was "a person who has supervisory or disciplinary authority over another individual."⁴⁶ Supervisory authority was a key issue in determining if sexual misconduct occurred. *Hart*⁴⁷ found that a paraprofessional (who was also an athletic coach) did have authority over students, but the supreme court and the state appeals court in two later cases reached the opposite finding, concluding that a paraprofessional is not in a position of authority and cannot be convicted under that specific statute.⁴⁸

Cases concerning sexual misconduct were primarily at the state level, with four in the federal district court. The literature surrounding sexual misconduct supports the fact patterns in several of these cases which

⁴⁴ *J.A. v. City of N.Y.*, 946 N.Y.S.2d 67, 67 (N.Y. 2009) a paraprofessional invited two middle-school students with emotional disabilities to her home and subsequently raped them).

⁴⁵ *Doe v. Bradshaw*, 203 F. Supp. 3d 168 (D. Mass. 2016); *Hart v. State*, 738 S.E.2d 331 (Ga. Ct. App. 2013); *State v. Hammonds*, 755 S.E.2d 214 (Ga. Ct. App. 2014).

⁴⁶ GA. CODE ANN. § 16-6-5.1(b)(1)(2020).

⁴⁷ *Hart*, 738 S.E.2d at 333.

⁴⁸ *Hammonds*, 755 S.E.2d at 215; *State v. Morrow*, 794 S.E.2d 37, 38 (Ga. 2016).

found that students in segregated classrooms were more likely to be victims of sexual misconduct.⁴⁹ In addition, the confusion in the State of Georgia's cases regarding the supervisory status of a paraprofessional illustrates the evolving nature of states' educator misconduct policies.⁵⁰ Catherine Robert detailed the wide range of differences among the states in their approaches to educator sexual misconduct (ESM), finding, for example, differences in the definition of a minor, inconsistency in the definitions of ESM, and several states with policies under development. In response to evolving societal expectations, states are developing and/or updating ESM policies to differentiate ESM as a crime (as opposed to sexual abuse), specifying the wide variety of behaviors included within ESM (including grooming and inappropriate contact), and developing tracking systems for preventing ESM offenders (of which some include paraprofessionals) from working in schools.⁵¹

III. Paraprofessionals as Key Witnesses

⁴⁹ Doe v. Wilton Bd. of Educ., 2017 Conn. Super. LEXIS 10599; Harper v. Patterson, 606 S.E.2d 887 (Ga. Ct. App. 2004); Veres v. Sch. Bd., No. 10-22053-Civ-WILLIAMS, 2011 U.S. Dist. LEXIS 172833 (S.D. Fla. Oct. 13, 2011).

⁵⁰ Catherine Robert et al., *Educator Sexual Misconduct: A Review of Definitions in the United States*, 382 Ed. Law Rep. 476, 476 (2020).

⁵¹ *Id.* at 476–86.

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While paraprofessionals had an alarming ease of access to students in the sexual misconduct cases, in other situations paraprofessionals are key witnesses to inappropriate behavior of special education teachers or administrators. The twelve cases in this group (all federal) include key testimony from paraprofessionals. The witnessed events include a wide variety of activities: strip searches,⁵² restraint,⁵³ physical abuse,⁵⁴ and a poorly implemented bus evacuation drill.⁵⁵ In several of the cases, paraprofessionals did not feel empowered to report their concerns over the treatment of students to administration,⁵⁶ while in other cases their reports were ignored by the administration.⁵⁷ Several studies regarding

⁵² *Thomas v. Roberts*, 323 F.3d 950, 951 (11th Cir. 2003). *Thomas v. Clayton Cnty. Bd. of Educ.*, 94 F. Supp. 2d 1290, 1294 (N.D. Ga. 1999) (a paraprofessional witnessed a teacher conducting a strip search).

⁵³ *A.B. v. Adams-Arapahoe* 28 J Sch. Dist., 831 F. Supp. 2d 1226, 1237 (D. Colo. 2011) (paraprofessionals reported that a teacher was overusing a restraint chair on a student receiving special education services).

⁵⁴ *Williams v. Fulton Cnty. Sch. Dist.*, 181 F. Supp. 3d 1089, 1111 (N.D. Ga. 2016) (paraprofessionals reported malicious behaviors of a special education teacher).

⁵⁵ *McKenzie v. Talladega City Bd. of Educ.*, 242 F. Supp. 3d 1244, 1248 (N.D. Ala. 2017) (paraprofessionals were witnesses when a wheelchair-bound student was encouraged by the bus driver to jump into the arms of a teacher).

⁵⁶ *Vicky M. v. Ne. Educ. Intermediate Unit*, 689 F. Supp. 2d 721, 727 (M.D. Pa. 2009)

⁵⁷ *Williams*, 181 F. Supp. 3d at 1148 (paraprofessionals complained about the malicious behaviors of a teacher, but the complaints were ignored).

paraprofessionals' perceptions echo the lack of empowerment expressed by the paraprofessionals in these cases. Frantz found that paraprofessionals felt a lack of support due to the scarcity of resources allocated to them (e.g., training and pay), which left them feeling undervalued.⁵⁸ Teachers with paraprofessionals in their classrooms also felt that administrators did not value paraprofessional work, due to both their lack of allocation of resources and their lack of supervision,⁵⁹ and they also reported receiving no pre-service training regarding effective supervision of paraprofessionals.⁶⁰ Paraprofessionals' perceptions that they are undervalued potentially restrain them from reporting events in which a student is mistreated. As Barrio found, when paraprofessionals feel supported and well-trained, they are more likely to advocate for themselves and their students.⁶¹

IV. Supervision

This theme includes the largest grouping of cases (twenty-five), which we further subdivided into two categories: supervision

⁵⁸ Frantz, *supra* note 5, at 28–29.

⁵⁹ *Id.* at 27.

⁶⁰ Emily E. Sobeck et al., *Paraeducator Supervision in Pre-Service Teacher Preparation Programs: Results of a National Survey*, 58 PSYCH. IN THE SCHS. 669, 677 (2021).

⁶¹ Barrio, *supra* note 13.

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in the school buildings and supervision on the playground. In both sub-groups, there are examples of how quickly accidents, or the tort of negligence, can occur when a paraprofessional briefly turns around to attend to another student.

a. *Supervision in the Building/Classrooms*

There are several tragic events described within this set of eighteen cases. Four cases of rape/molestation of students in special education classes were committed by other students when paraprofessionals allegedly had supervisory responsibility.⁶² For example, in *Doe v. Berkeley County Sch Dist.*, a middle school female student, who was assigned to a self-contained classroom, was escorted to the gym by a paraprofessional for P.E. class.⁶³ The paraprofessional left after providing the initial escort, did not supervise her in the locker room (though the school had assured Doe's mother that she would "always be supervised by an adult"), and the student attended the wrong P.E. class with boys instead of girls and was

⁶² A.H. v. Jackson-Olin High Sch., No. 2:18-cv-02081-ACA, 2019 U.S. Dist. LEXIS 58190 (N.D. Ala. Apr. 4, 2019); Doe v. Berkeley Cnty. Sch. Dist., No. 2:13-cv-3529-PMD, 2015 U.S. Dist. LEXIS 159869 (D.S.C. Nov. 30, 2015); L.L. v. Sterling (In re Ingram), 229 So. 3d 220 (Ala. 2017); Lopez v. City of Bridgeport, No. FBTCV156051932, 2017 Conn. Super. LEXIS 3903 (Conn. Ct. June 30, 2017).

⁶³ Doe v. Berkeley County Sch Dist., No. 2:13-cv-3529-PMD, 2015 U.S. Dist. LEXIS 159869, at *4.

sexually assaulted. These cases of student-on-student rape/molestation point to literature concerning the importance of carefully documenting procedures for paraprofessionals to follow in their work, and then ensuring paraprofessionals perform the procedures as documented.⁶⁴ Suter and Giangreco found that large caseloads complicate paraprofessionals' ability to provide services as required.⁶⁵

Five students, all with severe needs, died when in the care of paraprofessionals.⁶⁶ Choking and aspiration incidents were involved in all of the deaths.⁶⁷ In *Estate of Esquivel v. Brownsville*, there were multiple issues weighed by the court in the tragic death of a 20-year-old student with cerebral palsy.⁶⁸ The student began vomiting while in the school's swimming pool, though there was no conclusion regarding what caused her vomiting, and whether her aspiration of water initiated the incident, or

⁶⁴ Jesse C. Suter & Michael F. Giangreco, *Numbers that count: Exploring special education and paraprofessional service delivery in inclusion-oriented schools*, 43 J. SPEC. EDUC. 81–93 (2009).

⁶⁵ *Id.*

⁶⁶ See *Estate of Esquivel v. Brownsville Indep. Sch. Dist.*, No. 1:16-cv-00040 (S.D. Tex. Jan. 16, 2019) [Lewis v. Igwe](#), No. H-05-3320, 2006 U.S. Dist. LEXIS 104837 (S.D. Tex. Nov. 2, 2006); *Lyons v. Richmond Cmty. Sch. Corp.*, 19 N.E.3d 254 (2014); *James Thompson v. Rochester Comm'n Schs.*, 2006 Mich. App. LEXIS 3233 (2006); *Kathleen Ryan v. Lamphere Pub. Sch. Sys.*, 2010 Mich. App. LEXIS 494 (2010).

⁶⁷ *Id.*

⁶⁸ *Estate of Esquivel v. Brownsville Indep. Sch. Dist.*, No. 1:16-cv-00040 (S.D. Tex. Jan. 16, 2019).

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it was the vomiting that caused her aspiration. Her one-to-one paraprofessional was with her in the pool and had appropriate training for the level of care needed outside of the pool, though she testified she was unqualified to assist in the pool. The paraprofessional also testified that she was not aware of the physician's requirements for a nose clip and other accommodations. The aquatics director was fully certified and trained for the position. There were questions of fact regarding destruction of video evidence (the school district testified the video was corrupted) and whether defendants deliberately disregarded accommodations required by the student's physician, which included the need for a nose clip, and for a life jacket that would sufficiently prevent the student's head from submerging in water. In the remaining cases (bumps, breaks, bruises, and unfounded claims), parents alleged that injuries occurred due to lack of supervision. Similar to questions raised in the student-on-student rape/molestation cases, research demonstrates that the majority of paraprofessionals choose their jobs due to a genuine enjoyment of working with children, and that conflicting demands and heavy workloads are the reasons they cite for not effectively performing their roles.⁶⁹

⁶⁹ See Christina Young Tillery et al., *Perceptions of Paraeducators on Job Retention*, 26 TEACHER EDUC. DIV. (2003).

b. Supervision on the Playground

Paraprofessionals also perform supervision outside of special education classrooms and for the general population, as seen in the seven playground injury cases. In the one federal suit, a student stabbed another student.⁷⁰ The issue that survived summary judgment was not the paraprofessional's supervision, but the principal's error in not documenting the offending student's earlier violent behaviors and allowing him to be on the playground. The majority of the playground cases were dismissed in early action. In the only case in which paraprofessionals were not released from the suit, there was a question of whether paraprofessionals were enforcing appropriate behaviors for using the slide (where the student's injury occurred).⁷¹ The cases in this subsection further illustrate the importance of clear documentation for procedures,⁷² since the majority were dismissed once schools could demonstrate that the student injuries were often accidental and not the fault of a paraprofessional.

⁷⁰ *Wilson v. Salmon Sch. Dist.* #291, [No. 4:16-cv-00117-BLW, 2017 U.S. Dist. LEXIS 140076 \(D. Idaho Aug. 29, 2017\)](#).

⁷¹ *DeCastro v. Ctr. Moriches Sch. Dist.*, [2016 NY Slip Op 32532\(U\), ¶ 1 \(Sup. Ct.\)](#).

⁷² J. N. Causton-Theoharis et al. *The "Sous-Chefs" of Literacy Instruction*. 40 TEACHING EXCEPTIONAL CHILDREN, 56, 56-62 (2007).

V. Employment Issues

There are six cases concerning paraprofessionals' employment issues. These include disputes over dismissal⁷³ or reassignment,⁷⁴ and damages for injuries.⁷⁵ In the dismissal case, *Wellington v. Spencer-Edwards*, a paraprofessional assigned to a special education classroom alleged discrimination after she was terminated for alleged use of corporal punishment.⁷⁶ She plausibly demonstrated that other paraprofessionals (younger, U.S. born) received preferential treatment, so the court denied the district's

⁷³ *Wellington v. Spencer-Edwards*, [2017 U.S. Dist. LEXIS 162788 \(S.D.N.Y. Sep. 28, 2017\)](#).

⁷⁴ *Giamundo v. Shevell*, [No. CV-03-5245 \(CPS\), 2006 U.S. Dist. LEXIS 67880 \(E.D.N.Y. Sep. 20, 2006\)](#).

⁷⁵ *Elvington v. Phenix City Bd. of Educ.*, [No. 3:18-cv-120-WKW-SRW, 2019 U.S. Dist. LEXIS 25162 \(M.D. Ala. Feb. 14, 2019\)](#); *Barczak v. State*, [C.A. No. 97A-06-011-HLA, 1997 Del. Super. LEXIS 524 \(Del. Dec. 24, 1997\)](#); *Gorman v. Town of New Milford*, [No. CV085004455S, 2011 Conn. Super. LEXIS 2228 \(Conn. Sep. 1, 2011\)](#); *Stenger v. Stanwood Sch. Dist.*, [977 P.2d 660 \(1999\)](#).

⁷⁶ *Wellington*, 2017 U.S. Dist. LEXIS 162788.

motion for summary judgment. In *Giamundo*, an assistant principal allegedly made several inappropriate comments to school secretaries and paraprofessionals and engaged in retaliatory behavior once he had been reported.⁷⁷ Two school secretaries were “excessed” or reassigned to other schools the following semester and others suffered emotional trauma as a result of their interactions with the assistant principal and from follow up encounters with other administrators. The court dismissed only the claims related to the reassigned staff, since the district demonstrated budgetary needs for those decisions, but the remaining claims remained.

Descriptions of the injury cases illustrate how physically challenging it can be when working with students in special education classes. One notable case concerns two paraprofessionals who worked with a particularly violent student, in which they were kicked, punched, bit, and head-butted routinely over a period of multiple years.⁷⁸ While this behavior was part of the job conditions that they originally accepted, the issue that remained was that the district knew of the danger to them and did not take steps to address it.

VI. Paraprofessional Speech

⁷⁷ *Giamundo*, No. CV-03-5245 (CPS).

⁷⁸ See *Stenger v. Stanwood Sch. Dist.*, [977 P.2d 660 \(1999\)](#).

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Finally, the last theme, paraprofessional speech, included six cases in which paraprofessionals said unprotected or protected things. On the unprotected side, two of the cases are the result of a paraprofessional harassing students for reporting the sexual misconduct of a teacher.⁷⁹ In another case, parents alleged that the paraprofessional revealed a student's schizophrenia diagnosis.⁸⁰ On the protected side, one notable case shows the extent to which a paraprofessional will advocate for a student. In *Hicks v. Benton Cnty. Bd. of Educ.*⁸¹ a paraprofessional who was assigned to work with a specific student felt that the student's study guide did not meet her specific needs as outlined in her Individualized Educational Program (IEP). The paraprofessional contacted district administrators instead of following the proper chain of command, but, since she was advocating for

⁷⁹ *B.W. v. Career Tech. Ctr. of Lackawanna Cnty.*, [422 F. Supp. 3d 859 \(M.D. Pa. 2019\)](#); *C.D. v. Career Tech. Ctr.*, [No. 3:20-0088, 2020 U.S. Dist. LEXIS 43186 \(M.D. Pa. Mar. 11, 2020\)](#).

⁸⁰ *M.P. v. Indep. Sch. Dist. No. 721*, [200 F. Supp. 2d 1036 \(D. Minn. 2002\)](#).⁸⁰

⁸¹ *Hicks v. Benton Cnty. Bd. of Educ.*, [222 F. Supp. 3d 613 \(W.D. Tenn. 2016\)](#).

a student receiving special education services, any retaliation that she suffered as a direct consequence of her advocacy was potentially in violation of the ADA.

DISCUSSION AND RECOMMENDATIONS

This review of legal cases concerning paraprofessionals reveals themes consistent with the literature describing paraprofessionals' job duties and the perceived challenges inherent in their roles.⁸² With the primary task of managing student behavior (both during instructional and non-instructional times) there are cases in which student injuries occurred while paraprofessionals had supervisory responsibility for the students. More extreme injury cases involving student-on-student assault and deaths while under paraprofessional supervision warranted attention to the circum-

⁸² See M. Fisher & S.L. Pleasants, *Roles, Responsibilities, and Concerns of Paraeducators: Findings from a Statewide Survey*. 33 *REMEDIATION & SPECIAL EDUC.*, 287, 287-297 (2012); M. F. Giangreco, J. C. Suter, & M. B. Doyle, *Paraprofessionals in Inclusive Schools: A Review of Recent Research*. 20 *J. OF EDUC. & PSYCH. CONSULTATION* 41, 41-57 (2010); and N. J. Ratcliff et al., *Paraprofessionals in Early Childhood Classrooms: An Examination of Duties and Expectations*. 31 *EARLY YEARS* 163, 163-179 (2011).

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stances involving training, supervision, and actions of the paraprofessionals. In addition, the sixteen cases involving restraint/physical abuse of students occurred while paraprofessionals were performing their assigned duties of managing student behavior. Many paraprofessionals are assigned to individual students and are responsible for assisting with intimate activities such as toileting. This further contributed to paraprofessionals' opportunities to engage in sexual misconduct with students.

As noted in the description of methodology, Baude and colleagues caution legal scholars to avoid drawing conclusions beyond the scope of their analysis in a systematic review.⁸³ To that end, our discussion does not claim specific legal outcomes, but rather emphasizes issues found in the cases within each theme. These issues survived at least past the initial pleadings stage in each case and inform best practices for administrators in hiring, training, and working with paraprofessionals. In the cases of student deaths, there were questions of fact regarding the level of training paraprofessionals had received, and questions regarding assigned duties for each step in caring for students who are medically fragile. Rigorous training and documentation are recommended for paraprofessionals in

⁸³ W. Baude et al., *Making Doctrinal Work More Rigorous: Lessons from Systematic Reviews*. 84 U. CHI. L. REV. 37 (2017).

these roles. While in many cases districts successfully demonstrated that paraprofessionals had received training, paraprofessionals continue to perceive that they need additional specialized training to perform their assigned tasks.⁸⁴ This disconnect demonstrates that districts may be meeting the technical requirements, but that the training itself is not sufficient and/or comprehensive. Increased training time will improve the quality of services delivered to students and improve the beliefs of many paraprofessionals that teachers and administrators do not value their contributions (Fisher & Pleasants, 2012). Finally, improved screening and background checks during hiring, as well as enhanced supervision to minimize any one-on-one time with students, can reduce the likelihood of paraprofessionals engaging in inappropriate behaviors with students.

Looking at these cases through the lens of Critical Disability Studies caused us to ask whether those who are in power over students in schools, down to paraprofessionals who work most closely with our neediest populations, are taught by society to think about disabilities in ways that may lead to unconscious biases (including actions that reflect those biases), leading to negative impacts on the children in their charge. When further viewed through the lens of CDS, it is clear that students with the lowest ability to speak out against harsh treatment are often subjected to

⁸⁴ Giangreco, *supra* note 59.

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supervision by employees with the least amount of training for their roles. For example, in *Padilla v. School Dist. No. 1*,⁸⁵ a paraprofessional frequently placed a child in a special education class in a stroller (for restraint) and left the child in a closet, unsupervised. In one occurrence, the stroller tipped backwards and the child sustained skull fractures from the fall. The child was unable to communicate about the restraint and suffered injury after many instances of maltreatment.

The difficult nature of working with medically fragile and/or behaviorally challenged students, often in one-on-one settings, further exacerbates paraprofessionals' perceptions that they have little support for their work. Like teachers, paraprofessionals in these cases suffered injuries, made poor decisions, witnessed accidents, and a few committed atrocious crimes. Administrators, instead of considering their paraprofessionals' needs as an afterthought, should maintain regular attention to ensuring the quality of work paraprofessionals are providing to the most overlooked groups of students.

SCIENTIFIC AND SCHOLARLY SIGNIFICANCE OF THE STUDY

⁸⁵ *Padilla v. Sch. Dist. No. 1*, [No. 98CA0783, 1999 Colo. App. LEXIS 259 \(Ct. App. Sep. 30, 1999\)](#).

This study of legal issues surrounding paraprofessionals speaks to the need to reconsider the power structures within schools that result in negative outcomes for students. Paraprofessionals provide key services for students with the highest level of medical and behavioral needs. How are we maintaining an equitable system if students with the highest needs are supervised by the employees with the lowest amount of training? Several cases within this study illustrate that while paraprofessionals may technically receive required training, factors such as unclear routines, mental strain, or unanticipated distractions from other students can still create a combination of events that result in student injuries and/or deaths.⁸⁶ Administrators can benefit from these descriptions and interrogate their own, and their districts', practices to ensure best practice in paraprofessional hiring, training, and supervision.

As the first known systematic review of cases surrounding paraprofessionals, this study informs future scholarly work regarding key phrases and concerns of this group of school employees. The largest number of cases surrounded issues of restraint and supervision, most often in the special education setting. We recommend future scholarship specific

⁸⁶ *Chapdelaine v. Town of Brookfield*, [No. DBDCV166018806S, 2017 Conn. Super. LEXIS 3876 \(Super. Ct. May 18, 2017\)](#); *Lewis v. Igwe*, No. H-05-3320, 2006 U.S. Dist. LEXIS 104837 (S.D. Tex. Nov. 2, 2006).
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to maintaining legal compliance and high-quality care in high-needs classrooms.

Appendix A
Case Summaries

Restraint/Physical Abuse (16)

Federal-Appeals

J.S. v. Houston Cty. Bd. of Educ., 877 F.3d 979 (11th Cir. 2017). 2017
U.S. App. LEXIS 19007

Federal-District Court

Clines v. Special Admin. Bd. Transition. Sch. Dist. of St. Louis, (E.D.
Mo. 2020). 2020 U.S. Dist. LEXIS 99026

Crecy v. Kankakee Sch. Dist. #111, (C.D. Ill. 2016). 2016 U.S. Dist
LEXIS 196585

D.C. v. Pittsburgh Publ. Sch., (W.D. Pa. 2019). 2019 U.S. Dist. LEXIS
207945

Doe v. Torrington Bd. of Educ., (D. Conn. 2018). 2018 U.S. Dist. LEXIS
161165

E.H. v. Brentwood Union Sch. Dist., (N.D. Cal. 2013). 2013 U.S. Dist.
LEXIS 158482

Ebonie S. v. Pueblo Sch. Dist. 60, (D. Colo. 2011). 2011 U.S. Dist.
LEXIS 99534

Ebonie S. v. Pueblo Sch. Dist. 60, 819 F. Supp 2d 1179 (D. Colo. 2011).
2011 U.S. Dist. LEXIS 47210

Gm v. Lincoln Cty. Sch. Dist., (D. Oregon 2017). 2017 U.S. Dist. LEXIS
101161

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K.G. v. Sergeant Bluff-Luton Cmty. Sch. Dist., 244 F. Supp. 3d 904 (N.D. Iowa 2017). 2017 U.S. Dist. LEXIS 42171

Padilla v. School Dist. No. 1, 35 F. Supp. 2d 1260 (D. Colo. 1999). 1999 U.S. Dist. LEXIS 661

Rutherford v. Fla. Union Free Sch Dist. (S.D.N.Y. 2019). 2019 U.S. Dist. LEXIS 55971

Shinn v. Detroit Pub. Schs., (E.D. Mich. 2011). 2011 U.S. Dist. LEXIS 10140

State-Supreme Court

Chapdelaine v. Town of Brookfield (2017). 2017 Conn. Super. LEXIS 3876

Johnson v. Town of E. Hampton (2008). 2008 Conn. Super. LEXIS 1009

Reilly v. Sw. Vt. Supervisory (2016). 2016 Vt. Super. LEXIS 19

State-Appeals

King v. Pioneer Reg'l Educ. Serv. Agency (2009), 301 Ga. App. 547. 2009 Ga. App. LEXIS 1266

Sexual Misconduct (13)

Federal-District Court

Doe v. Bradshaw, 203 F. Supp 3d 168 (D. Mass. 2016). 2016 U.S. Dist. LEXIS 114748

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Doe v. Darien Bd. Of Educ., 110 F. Supp. 3d 386 (D. Conn. 2015). 2015 U.S. Dist. LEXIS 66699

Hurt v. W. Lafayette Cmty. Sch. Corp., 450 F. Supp. 2d 900 (N.D. Ind. 2006). 2006 U.S. Dist. LEXIS 69360

J.G. v. Bd. of Educ., (S.D. Md. 2017). 2017 U.S. Dist. LEXIS 33597

State-Supreme Court Appeals

People v Somodi (2019), 170 A.D. 3d 1056, 94 N.Y.S. 3d 586. 2019 N.Y. App. Div. LEXIS 2060

State-Supreme Court

Doe v. Wilton Bd. of Educ. (2017). 2017 Conn. Super. LEXIS 10599

J.A. v. City of New York (2009), 34 Misc. 3d 1214(A). 2009 N.Y. Misc. LEXIS 6665

State v. Morrow (2016), 300 Ga. 403, 794 S.E. 2d 37. 2016 Ga. LEXIS 791

Veres v. Sch. Bd., (S.D. Fla. 2011). 2011 U.S. Dist. LEXIS 172833

Winkler v. Town of Berlin (2010), 2010 Conn. Super. LEXIS 2481

State-Appeals

Harper v. Patterson (2004), 270 Ga. App. 437. 2004 Ga. App. LEXIS 1500

Hart v. State (2013), 319 Ga. App. 749, 738 S.E. 2d 331. 2013 Ga. App. LEXIS 64

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State v. Hammonds (2014), 325 Ga. App. 815, 755 S.E. 2d 214. 2014 Ga. App. LEXIS 76

Paras as Key Witnesses (12)

Federal-Appeals

Thomas v. Roberts, 323 F.3d 950 (11th Cir. 2001). 2003 U.S. App. LEXIS 4153

Federal

A.B. v Adams-Arapahoe 28J Sch. Dist., 831 F. Supp. 2d 1226 (D. Colo 2011). 2011 U.S. Dist. LEXIS 136295

Adam C. v. Scranton Sch. Dist., (M.D. Pa. 2010). 2010 U.S. Dist. LEXIS 142448

B.A. v. Manchester Sch. Dist. SAU 37, (D. N.H. 2017). 2017 U.S. Dist. LEXIS 111032

Doe v. Livonia Pub. Sch., (E.D. Mich. 2018) 2018 U.S. Dist. LEXIS 175805

McKenzie v. Talladega City Bd. of Educ., 242 F. Supp. 3d 1244 (N.D. Ala. 2017). 2017 U.S. Dist. LEXIS 31409

Noble v. Branch Intermediate Sch. Dist., (W.D. Mich. 2002). 2002 U.S. Dist. LEXIS 19600

S.G. v. Success Acad. Charter Sch., Inc., (S.D.N.Y. 2019). 2019 U.S. Dist. LEXIS 45866

S. L. v. Seymour R-2 Sch. Dist., (W.D. Mo. 2009). 2009 U.S. Dist. LEXIS 95731

Thomas v. Clayton County Bd. of Educ., 94 F. Supp. 2d 1290 (N.D. Ga. 1999). 1999 U.S. Dist. LEXIS 21556

Vicky M. v. Northeastern Educ'l. Intermediate Unit, 689 F. Supp. 2d 721 (M.D. Penn. 2009). 2009 U.S. Dist. LEXIS 85026

Williams v. Fulton Cnty. Sch. Dist., 181 F. Supp. 3d 1089 (N.D. Ga. 2016). 2016 U.S. Dist. LEXIS 70307

Supervision (25)

Subcategory-General/Sped-not playground (18)

Federal

A.H. v. Jackson-Olin High Sch., (N.D. Ala 2019). 2019 U.S. Dist. LEXIS 58190

Doe v. Berkeley County Sch. Dist., (D. S.C. 2015). 2015 U.S. Dist. LEXIS 159869

Estate of Esquivel v. Brownsville Indep. Sch. Dist., (S.D. Tex. 2018). 2018 U.S. Dist. LEXIS 231742

Estate of Esquivel v. Brownsville Indep. Sch. Dist., (S.D. Tex. 2018). 2018 U.S. Dist. LEXIS 231738

Lewis v. Igwe, (S.D. Tex. 2006). 2006 U.S. Dist. LEXIS 104837

Oskowis v. Sedona Oak-Creek Unified Sch. Dist. #9, (D. Az. 2019). 2019 U.S. Dist. LEXIS 175349

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T.G. v. Detroit Pub. Sch. (E.D. Mich. 2016). 2016 U.S. Dist. LEXIS 161475

State-Supreme Court

Figaro v. City of Norwalk (2016), 2016 Conn. Super. LEXIS 2883

Jones v. Red Clay Consol. Sch. Dist. (2013). 2013 Del. Super., LEXIS 1809

L.L. v. Sterling (In re Ingram) (2017), 229 So. 3d 220. 2017 Ala. LEXIS 18

Lopez v. City of Bridgeport (2017). 2017 Conn. Super. LEXIS 3903

Lyons v. Richmond Cmty. Sch. Corp. (2014), 19 N.E.3d 254. 2014 Ind. LEXIS 867

Matter of Daley v. City of New York (2009). 2009 N.Y. Misc. LEXIS 4381

Stewart v. City of Bridgeport (2017). 2017 Conn. Super. LEXIS 516

Tews v. Cape Henlopen Sch. Dist. (2013). 2013 Del. Super. LEXIS 56

State-Appeals

JAMES THOMPSON, Personal Representative of the Estate of MARY ELIZABETH ELKINS v. ROCHESTER COMMUNITY SCHS. 2006 Mich. App. LEXIS 3233

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Kathleen Ryan v. Lamphere Pub. Sch. Sys., 2010 Mich. App. LEXIS 494

Mitchell v. Special Educ. Joint Agmt Sch. Dist. No. 208 (2008), 386 Ill. App. 3d 106, 897 N.E.2d 352. 2008 Ill. App. LEXIS 1020

Postell v. Anderson (2015), 334 Ga. App. 331, 779 S.E.2d 397. 2015 Ga. App. LEXIS 636

Supervision Continued: Playground (7)

Federal

Wilson v. Salmon Sch. Dist. #291, (D. Idaho 2017). 2017 U.S. Dist. LEXIS 140076

State-Supreme Court

Carrion v. Reyes (2014). 2014 Conn. Super. LEXIS 1719

DeCastro v. Center Moriches Sch. Dist. (2016). 2016 N.Y. Misc. LEXIS 4792

Derrick v. Port Wash. Union Free Sch. Dist. (2018). 2018 N.Y. Misc. LEXIS 5695

Kourkoumelis v. Dept. of Educ. of N.Y. (2016). 2016 N.Y. Misc. LEXIS 6044

Milligan v. Harborfields Cent. School Dist. (2011). 2011 N.Y. Misc. LEXIS 4380

Osborn v. City of Waterbury (2019), 333 Conn. 816, 220 A.3d 1. 2019 Conn. LEXIS 373

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Employment Issues (6)

Federal

Elvington v. Phenix City Bd. of Educ., (M.D. Ala 2019). 2019 U.S. Dist. LEXIS 25162

Giamundo v. Shevell, (E.D.N.Y. 2006). 2006 U.S. Dist. LEXIS 67880

Wellington v. Spencer-Edwards, (S.D.N.Y. 2017). 2017 U.S. Dist. LEXIS 162788

State-Supreme Court

Barczak v. State (1997), 1997 Del. Super. LEXIS 524

Gorman v. Town of New Milford (2011). 2011 Conn. Super. LEXIS 2502

State-Appeals

Stenger v. Stanwood Sch. Dist. (1999), 95 Wn. App. 802, 977 P.2d 660. 1999 Wash. App. LEXIS 985

Paraprofessionals' Speech (6)

Federal-Appeals

Wendrow v. Mich. Dep't of Human Servs., 534 Fed. Appx. 516 (6th Cir. 2013). 2013 U.S. App. LEXIS 18115

Federal

B.W. v. Career Tech. Ctr. of Lackawanna Cty., (M.D. Pa. 2019). 2019 U.S. Dist. LEXIS 191103

C.D. v. Career Tech. Ctr., (M.D. Pa. 2020). 2020 U.S. Dist. LEXIS 43186

Dillon v. Twin Peaks Charter Acad., (D. Colo. 2008). 2008 U.S. Dist. LEXIS 45615

Hicks v. Benton Cnty. Bd. of Educ., 222 F. Supp. 3d 613 (W.D. Tenn. 2016). 2016 U.S. Dist. LEXIS 165844

M.P. v. Indep. Sch. Dist. No. 721, 200 F. Supp. 2d 1036 (D. Minn. 2002). 2002 U.S. Dist. LEXIS 9053