

# **Federal Lawsuit Targets Shackling of Children with Disabilities in School**

## **Covington Case Spotlights Problem of Untrained Law Enforcement Disciplining Students with Disabilities**

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COVINGTON, Ky. — A deputy sheriff shackled two elementary school children who have disabilities, causing them pain and trauma, according to a federal lawsuit filed today by the Children's Law Center, Dinsmore & Shohl, and the American Civil Liberties Union.

The children, an 8-year-old boy and a 9 year-old girl, were so small that the school resource officer, Kenton County Deputy Sheriff Kevin Sumner in Covington, Kentucky, locked the handcuffs around the children's biceps and forced their hands behind their backs, the lawsuit charges. A disturbing video shows the boy, S.R., being shackled and crying out in pain. S.R. has attention deficit hyperactivity disorder (ADHD) and a history of trauma.

The girl, L.G., was twice handcuffed behind her back by her biceps, also causing her pain. L.G. has ADHD and other special needs. Both children were being punished for behavior related to their disabilities. Neither was arrested nor charged with any criminal conduct. The lawsuit was filed on their behalf.

"There was no public safety threat in any of these instances that warranted handcuffing these children," said Kenyon Meyer, an attorney with Dinsmore & Shohl. "The school resource officer's involvement was harmful and unnecessary, and it escalated rather than helped the situations. We should expect that if school resource officers are in our school systems, their roles should be focused on safety and security, not discipline or punishment of special needs children."

Nationally, students with disabilities make up 12 percent of the student population, but are 75 percent of the students who are physically restrained by adults in their schools, according to the U.S. Department of Education. These disciplinary practices also feed into the "school-to-prison pipeline," where children are funneled out of public schools and into the criminal justice system. Many of these children have disabilities, yet instead of receiving necessary educational and counseling services, they are punished and pushed out.

Students of color and students with disabilities are especially vulnerable to push-out trends and the discriminatory application of discipline. One child in this case is Latino, and the other is African-American.

In addition to Sumner, the lawsuit names Kenton County Sheriff Chuck Korzenborn, alleging his failure to adequately train and supervise Sumner, a school resource officer for several public elementary schools in Covington. The complaint further claims that the Kenton County Sheriff's Office violated the Americans with Disabilities Act based on its treatment of the children.

"Kentucky's school personnel are prohibited from using restraints, especially mechanical restraints, to punish children or as a way to force behavior compliance," said Kim Tandy, executive director of the Children's Law Center. "These regulations include school resource officers. These are not situations where law enforcement action was necessary."

In both cases, Sumner was the school resource officer who handcuffed the children. The lawsuit seeks an order requiring a change in policies by the Kenton County Sheriff's Office, and additional training for school resource officers in dealing with young children and children with special needs. It also seeks an unspecified amount of monetary damages against Sumner.

"It is heartbreaking to watch my little boy suffer because of this experience," said S.R.'s mother, T.R. "It's hard for him to sleep, he has anxiety, and he is scared of seeing the officer in the school. School should be a safe place for children. It should be a place they look forward to going to. Instead, this has turned into a continuing nightmare for my son."

"Shackling children is not okay. It is traumatizing, and in this case it is also illegal," said Susan Mizner, disability counsel for the ACLU. "Using law enforcement to discipline students with disabilities only serves to traumatize children. It makes behavioral issues worse and interferes with the school's role in developing appropriate educational and behavioral plans for them."

The groups say that law enforcement in schools must be trained on how to work with children with disabilities and trauma. Learning de-escalation skills should be as common as fire drills for schools and any law enforcement officers who serve them.

The complaint, *S.R. v. Kenton County Sheriff's Office*, was filed in the U.S. District Court for the Eastern District of Kentucky.

For a link to the Complaint, Press Release and to watch the video, go to [www.childrenslawky.org](http://www.childrenslawky.org)