

Adults involved in duct-taping student all gone from RCSD

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Rochester Democrat and Chronicle USA TODAY NETWORK

A teacher's aide at Flower City School 54 in Rochester used duct tape to restrain a 12-year-old student with disabilities then remained in her job for another three weeks after the district was informed, according to criminal charges filed last week in Rochester City Court.

The aide and two other adults in the classroom have all departed the district in the most recent personnel scandal in the district's special education department.

The paraprofessional who allegedly did the duct-taping, Latoya Davis, was terminated from her

job at Tuesday's school board meeting. A teaching assistant, Ashlee McCullough, and the classroom teacher, Lauren Missell, both sub-

mitted their resignations.

Davis faces misdemeanor charges of unlawful imprisonment and endangering the welfare of a child. The only account of the incident comes from Missell, who told a Rochester Police Department investigation she was "shocked by what (she) saw." Her subsequent suspension and resignation, though, cast some doubt on that account.

In a deposition related to Davis' criminal charges, Missell said Davis asked her for some tape but did not say why.

Missell, who was working with some other students, said she gave Davis a roll of blue masking tape. About five minutes later, Davis said the tape wasn't working and that she needed something stronger. Missell gave her a roll of duct tape.

Missell said she then looked over and saw Davis wrapping the student's arms and wrists with the duct tape as McCullough stood nearby.

"I told (Davis) that she needed to stop and that it wasn't right," Missell told the investigator. "I was shocked by what I saw." Davis then ripped off another piece of tape and put it over the boy's mouth.

Missell said she then went to go get scissors to cut the tape away while the student tried to free himself. His arms had been wrapped three to five times, Missell said.

Davis "then asked (the student) if he was going to tell his mom and told him she was just messing with him," Missell said. The student's parents could not be reached for comment.

Missell said she reported the incident the next morning, first to a special education consultant working in the building, and then together with him to the

interim principal, Lashara Evans.

to us where we're not seeing the humanity of every child and embracing every child as our own," she said. "We hog-tie pigs; we do not hog-tie people."

“(The consultant) and Lashara seemed to be disagreeing on how to proceed regarding the incident and I went back to my classroom and began to teach,” she wrote.

A district spokesman said that Davis was placed on administrative leave May 1, three weeks after Missell said she reported the incident (with spring break intervening).

McCullough was put on leave May 10.

“Without commenting in too much detail, the delay resulted from the need for a detailed investigation, the spring recess and the fact the individuals involved had multiple representatives,” district spokesman Carlos Garcia wrote. “Upon completion of the investigation, of course immediate action was initiated.”

‘We do not hog-tie people’

Wrapping a student in duct tape counts as an instance of physical restraint, a category of conduct in special education that requires strict scrutiny.

Every district must report to the federal Department of Education every other year how many times a student was restrained or put into seclusion. In the most two recent rounds of reporting, 2015 and 2013, RCSD has reported zero instances, almost certainly an instance of inattention to reporting requirements.

In the numerous litanies of problems in RCSD’s special education program, though, restraint and seclusion has never been named as a systemic problem.

Melanie Funchess, the former board member who led a community task force on special education, said she couldn’t recall it coming up as an issue in months of discussions.

“This is an example of what I’ve been talking about: something has happened

Angie Rivera, president of the Rochester Association of Paraprofessionals, wrote in an email: “We hold our members to the highest standard and are still gathering information at this time.”

Second incident this year

Board member Natalie Sheppard voted against terminating Davis; she said she could not comment on the reason why because of confidentiality rules.

Board member Judith Davis voted against accepting the resignations of McCullough and Missell. She would not disclose the board’s discussions in executive session but said she was opposed to inequitable discipline and termination processes for the different classes of educators.

Rochester Teachers Association President Adam Urbanski said he didn’t know all the details of the incident but said: “My own belief is that restraint has to be reasonable and shouldn’t involve duct tape.”

Davis was hired by in September 2016 and worked as a one-to-one special education aide, according to district records. It is not clear whether the student Davis allegedly restrained is the one to whom she was assigned as an aide. Missell did not have tenure.

The departures of Davis, McCullough and Missell make it four people who have left RCSD special education jobs in scandal this year, following James Doran, who was hired after having been convicted of hitting students at a previous job.

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