



# DISPROPORTIONATE POLICING, SURVEILLANCE, AND SCHOOL BRUTALITY UPON CHILDREN WITH DISABILITIES

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SYSTEMIC ABLEISM IS OFTEN “SO EMBEDDED IN SYSTEMS THAT IT OFTEN IS ASSUMED TO REFLECT THE NATURAL, INEVITABLE ORDER OF THINGS” – PAULA BRAVEMAN



## DISPROPORTIONATE SURVEILLANCE, POLICING, AND BRUTALITY UPON CHILDREN WITH DISABILITIES

- Children with disabilities are corporally punished by school staff 2x more than children with no recognized disability
- 22.7% of enrolled preschool children have a disability, but they comprise 56.9% of the children who are expelled.
- 15.9% of K-12 children have a disability, but they comprise:
  - 81% of the children physically restrained
  - 32% of the children mechanically restrained with an object (such as handcuffs)
  - 75% of the children solitarily confined (via seclusion)
  - 28.1% of the children suspended
  - 25.0% of the children expelled



## INTERSECTIONAL EXPERIENCES OF CHILDREN WITH DISABILITIES

In 2017-2018 in K-12 public schools,

- 1 of 8 Black children were suspended
- 1 of 5 Black children with disabilities were suspended in 2017-2018

## SCHOOL BRUTALITY

- Is the use of excessive force by state agents against students in schools when the student is not at imminent risk of serious bodily harm to self or others
  - The state agents are primarily teachers and school administrators, but they are also aides, security guards, and police
- Includes “corporal punishment,” “restraint and seclusion,” inappropriate handcuffing, and police brutality
  - > 200,000 documented incidents per year

**SCHOOL BRUTALITY IS AN  
ADVERSE CHILDHOOD EXPERIENCE (ACE)  
THAT CAN BE TRAUMA**

It destroys trust and violates child's physical integrity and sense of dignity

It significantly increases the risk of

- Poor mental health and academic performance
- Problems with drugs or alcohol
- Acting violently, which increases the risk of arrest, suspension, and expulsion

**It is a health injustice**



OVEREMPHASIS ON POLICING AND  
SURVEILLANCE OF CHILDREN WITH  
DISABILITIES RATHER THAN SUPPORT

- Six million students attend schools with police, but no school psychologists; 1.7 million students attend schools with police, but no school counselor; 10 million students attend schools with police, but no social workers
- 51 percent of K-12 public schools have officers who participate in school discipline
- The addition of each officer to a public school leads to approximately two and a half extra in-school arrests annually of children
- Schools with a designated law enforcement officer on duty arrest students at 5 times the rate of comparable schools without such an officer.

DISABILITY DISCRIMINATION AND  
INACCESSIBILITY ARE INCREASINGLY  
RECOGNIZED AS FORMS OF CHILDHOOD  
TRAUMA

- As forms of traumatic/toxic stress



## “EMOTIONAL DISTURBANCE” AS A DISABILITY PER INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

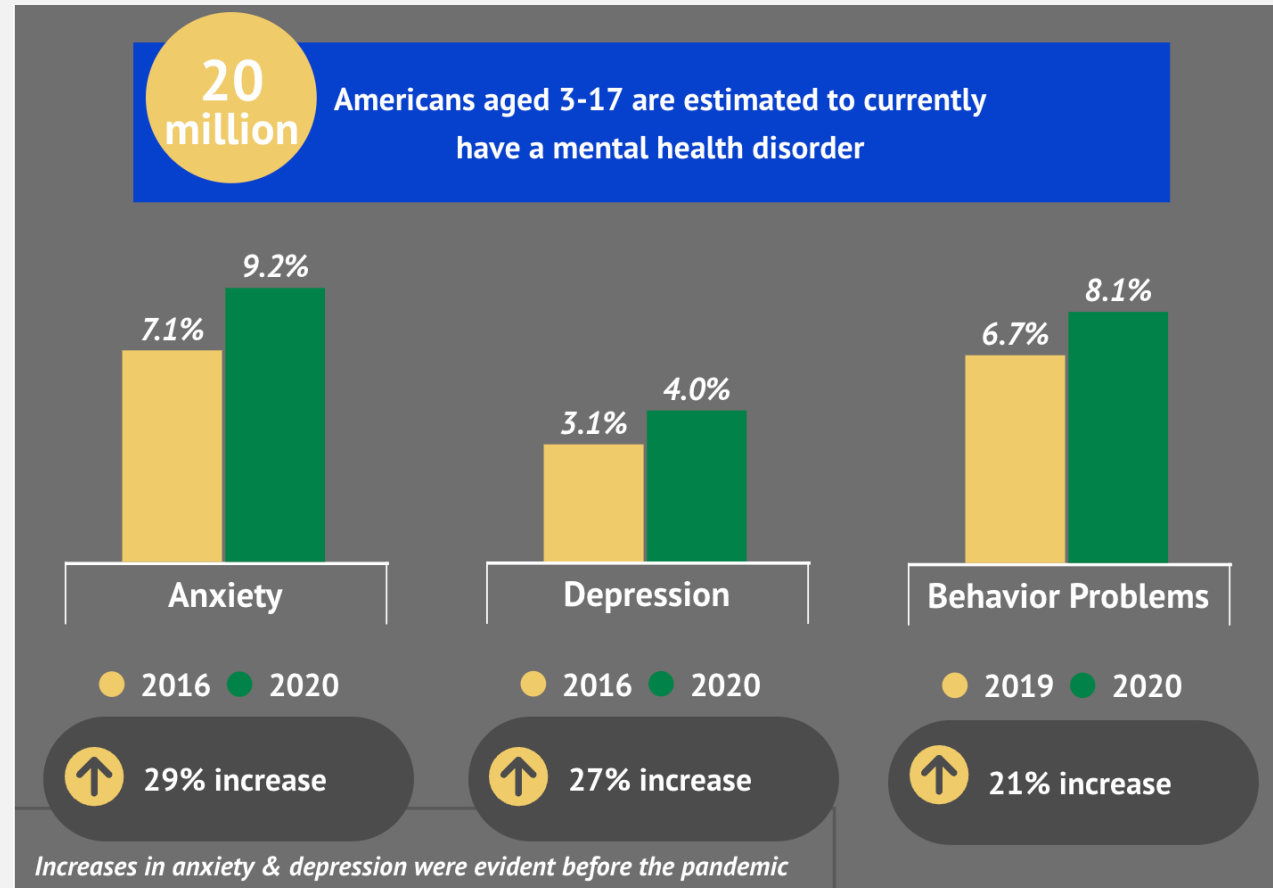
- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.**
- (C) Inappropriate types of behavior** or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

The term “emotional disturbance” includes schizophrenia. It does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

## THE EXPERIENCES OF CHILDREN WITH “EMOTIONAL DISTURBANCE”

- 1/3 are suspended at least once during their K-12 years
- 1/3 do not attend their “home school” (due to expulsion, involuntary transfer, or other forms of exclusion)
- Most fail to graduate from high school
- 71% of young adults with emotional disturbance are stopped by police and 43.2% are arrested within six years after high school.
- Young adults with ED are more likely to be stopped by police, arrested, incarcerated, or placed on probation or parole within six years after high school than young adults in any other disability category
- The label itself stigmatizes children with disabilities and does not suggest that disability often stems from trauma

# PREVALENCE OF BEHAVIORAL AND EMOTIONAL DISABILITIES HAVE INCREASED DUE TO PANDEMIC



# MUCH OF BEHAVIORAL DISABILITIES STEM FROM TRAUMA

More than **200,000** children of all ages lost a parent or primary caregiver to COVID-19

*High school students report:*

**29%**

had a parent or  
caregiver lose their job

**55%**

were emotionally abused  
by a parent or caregiver

**11%**

were physically  
abused

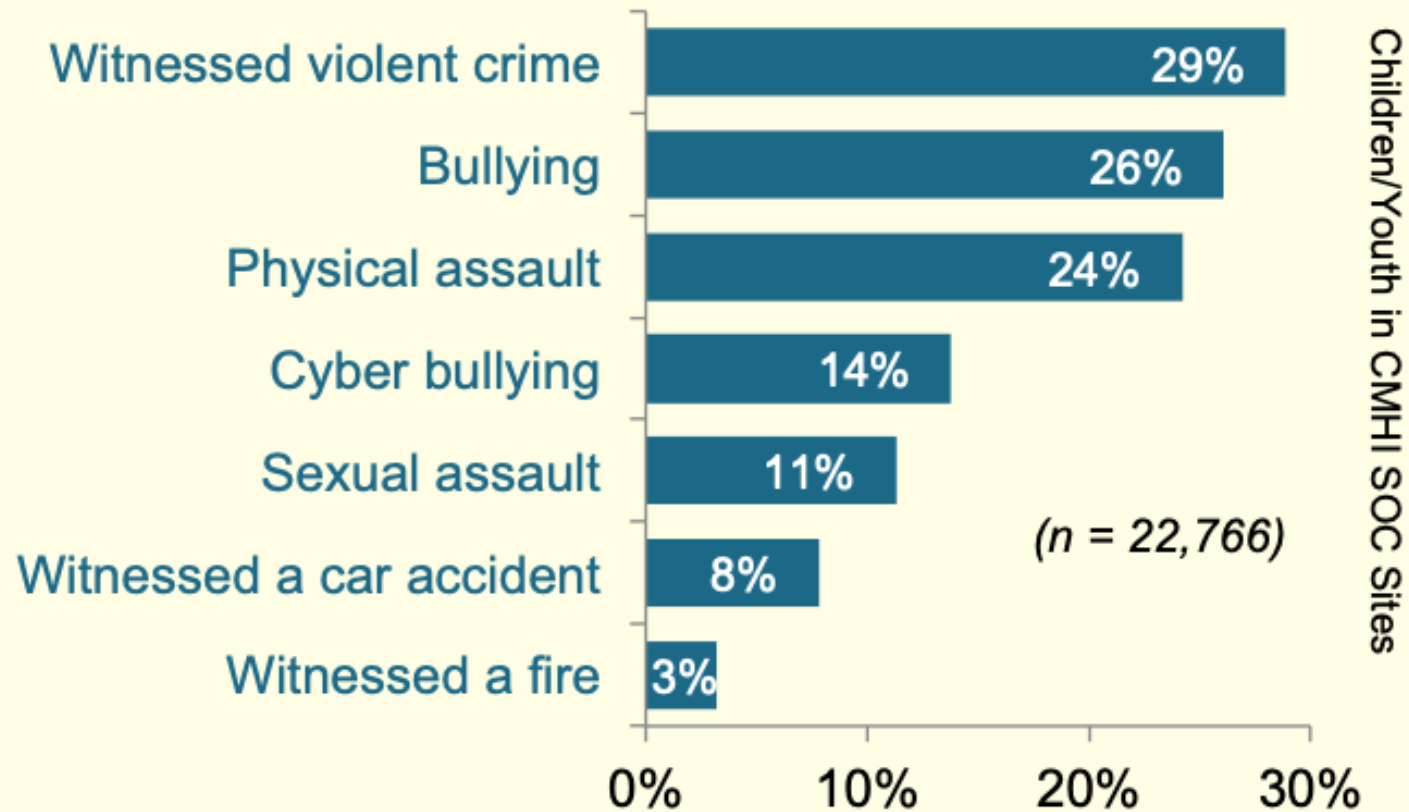


Exposure to gun violence can also create traumatic disturbances in a child's life and interfere with their long-term health & development. Gun violence exposure can include:

- *Injury from a gun*
- *Witnessing gunfire*
- *Knowing someone who has been shot*
- *Being threatened by a gun*
- *Hearing gunshots*
- *Having friends or a sibling who carry a gun*

TRAUMA → “SERIOUS EMOTIONAL DISTURBANCE”

**Figure 2. Rates of Traumatic Experiences Are High for Children and Youth with SED**



## TEACHERS ARE NOT PREPARED TO ADDRESS THE NEEDS OF CHILDREN WITH DISABILITIES

- Only 17% of teachers feel very well prepared to teach students with mild to moderate learning disabilities.
  - Less than 15% of special education teachers think their general education colleagues are highly prepared to work with students with disabilities
  - One-third of teachers report that they have not participated in professional development on serving the students with disabilities in their classrooms
- Studies by National Center for Learning Disabilities Study (2019) and National Council for Exceptional Children

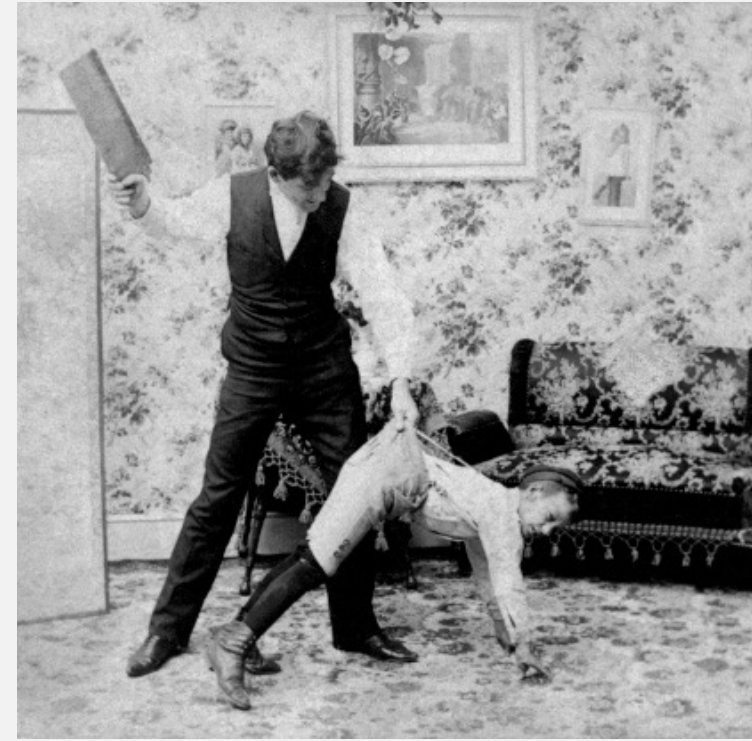
RATHER THAN SURVEILLANCE, POLICING,  
AND BRUTALITY, SCHOOLS SHOULD  
RESPOND TO BEHAVIORAL CHALLENGES  
WITH SUPPORT

- Avoid surveillance, policing, brutality, punishment
  - Not evidence-based and does not promote long-term education, health, and self-sufficiency
  - Compliance with IDEA and the ADA through providing Individualized, evidence-based, disability-specific accommodations and services
  - Trauma-Informed Care
  - Positive Behavioral Interventions and Supports
- Avoiding disability-based discrimination
- Restorative Justice Practices

DISPROPORTIONATE POLICING,  
SURVEILLANCE, SCHOOL BRUTALITY  
UPON CHILDREN WITH DISABILITIES  
IS A HEALTH INJUSTICE

“Of all the forms of inequality, injustice in health is the most shocking and inhumane.” - Martin Luther King, Jr.





**THE COLONIAL TEACHER TORT  
PRIVILEGE PERMITS TEACHERS TO  
COMMIT A “SIMPLE BATTERY”  
UPON A CHILD**

- School brutality is preserved by facially disability-neutral laws and policies regarding school corporal punishment, seclusion, restraint, and the activities of law enforcement officers and security guards.
- Almost all states authorize at least some form of school brutality in public schools.



# THE FACIALLY RACE-NEUTRAL LAWS



## **School Corporal Punishment**

- 28 states and D.C. prohibit it
- 7 states do not explicitly address it
- 15 states explicitly permit school employees to use it or provide immunity for it

## **Seclusion and Restraint**

- Only 4 states (Idaho, Nebraska, Oklahoma, and South Carolina) and D.C. have no statutes or regulations restricting seclusion or restraint

FEW LEGAL STRUCTURES AND RESOURCES  
EXIST TO STOP THIS ABLEIST TRAUMA AT  
PUBLIC SCHOOLS

“[T]he events that cause trauma are deeply rooted in our culture and society, reinforced by a set of beliefs, norms, and policies that are structural and hierarchical in nature.”

– Ai-Jen Poo, Director of the National Domestic Workers Alliance

## DISPROPORTIONATE SCHOOL BRUTALITY AS A FORM OF SYSTEMIC RACISM

Disproportionate school brutality against Black children is a form of systemic ableism that is “pervasively and deeply embedded in and throughout” the educational system, laws that structure interactions between educators, police, and students, “written and unwritten policies, **entrenched practices, and established beliefs and attitudes that produce, condone, and perpetuate widespread unfair treatment of people**” with disabilities.

- Quotation from Paula Braveman, Elaine Arkin, Dwayne Proctor, Tina Kauh, and Nicole Holm

DISPROPORTIONATE SURVEILLANCE, POLICING,  
AND SCHOOL BRUTALITY IS SYSTEMIC TRAUMA

Systemic Trauma is the repeated, ongoing violation, exploitation, dismissal of, and/or deprivation of groups of people.

– Staci Haines

A SOLUTION: OUTLAW CORPORAL  
PUNISHMENT, SECLUSION, AND  
RESTRAINT IN PUBLIC SCHOOLS



STAY IN TOUCH

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## BIAS TODAY IN PUBLIC SCHOOLS

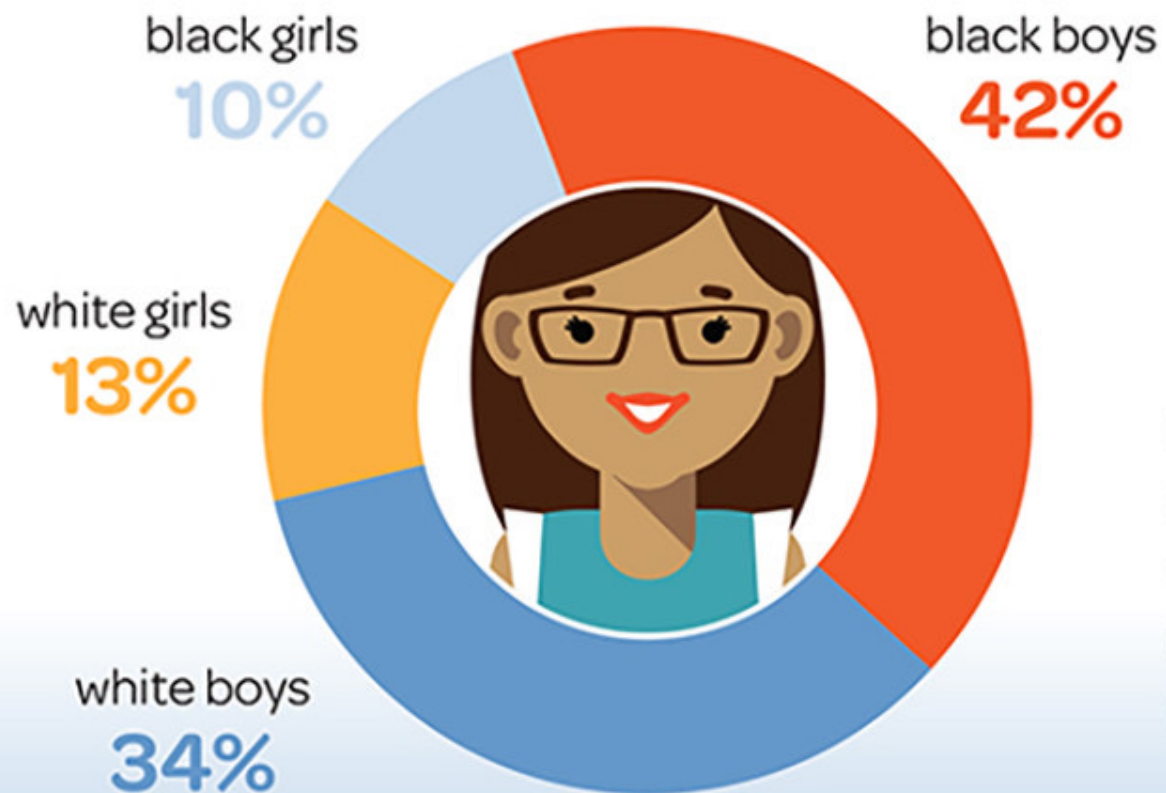
- “Despite our very best intentions, racial bias is alive and well in schools.” – Tracey A. Benson and Sarah E. Fiarman



STUDIES HAVE SHOWN IMPLICIT BIASES  
AGAINST BLACK CHILDREN AMONGST  
EDUCATORS

- Many teachers are “outright afraid of Black children”
- Beliefs in the intrinsic guilt, inferiority, and criminality of Black children and the innocence of White children
- Black children as older and more sexual than they are
- Lower expectations of academic achievement

## Track the eyes: Which students are teachers watching?



Preschool teachers tend to more closely observe blacks than whites, especially black boys, when challenging behaviors are expected.

## IMPLICIT BIAS IN EDUCATION

- “Buried in our unconscious as Americans, we believe that [W]hite students are more worthy of probing questions, second chances, and deeper learning [and] we act in ways that are more committed to the success of white students. . . . [W]e’re committed to treating [B]lack and [B]rown students with more suspicion, more pity, more wariness, lower expectations, and lower concern.”

– former public school principals Tracey Benson and Sarah Fiarman

DISPROPORTIONATE SCHOOL BRUTALITY OF  
BLACK CHILDREN MANIFESTS THE  
INTERSECTION OF MULTIPLE OPPRESSIONS,  
ESPECIALLY RACISM, AGEISM, AND SEXISM



## THE HEALTH JUSTICE FRAMEWORK

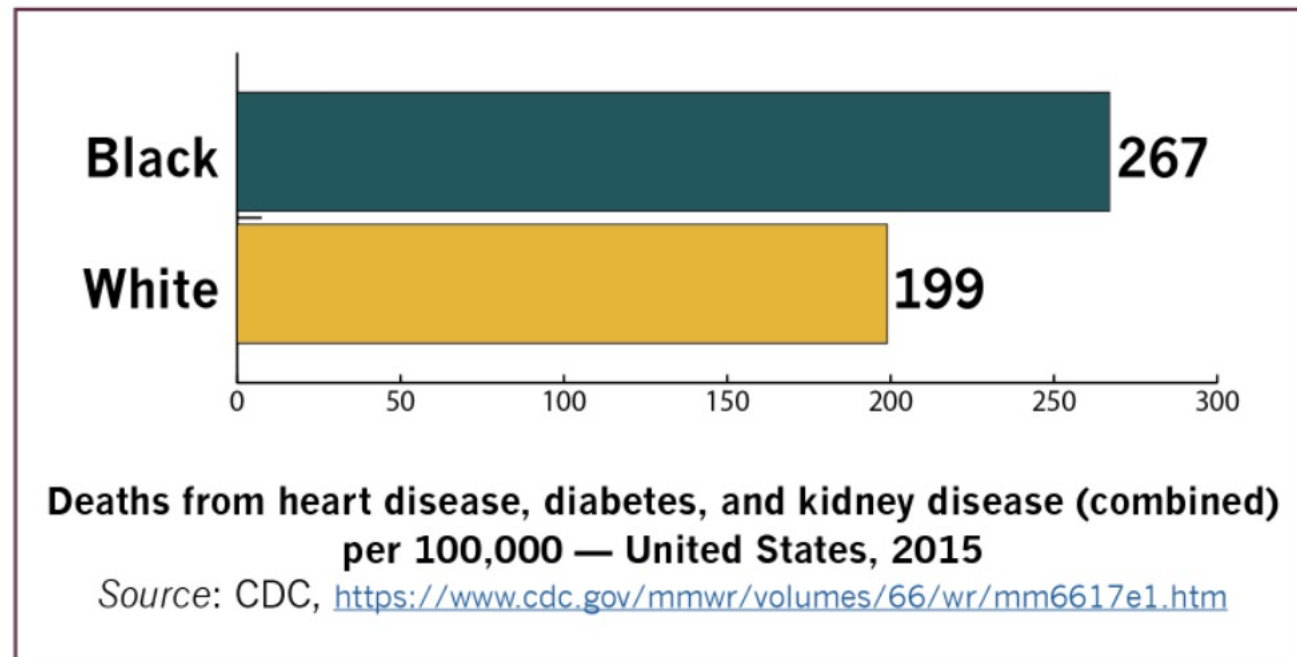
- Health equity is achieved when “everyone has a fair and just opportunity to be healthy” and “everyone can attain their full potential for health and well-being.”
- - Elizabeth Tobin-Tyler & Joel Teitelbaum and the World Health Organization

Racialized trauma:

DISPROPORTIONATE SCHOOL  
BRUTALITY CONVEYS TO BLACK  
CHILDREN THAT THEY ARE LESS THAN,  
THEY ARE NOT SAFE AT SCHOOL, AND  
THEY DO NOT BELONG



## THE HEALTH TOLL OF SOCIAL DETERMINANTS OF HEALTH UPON BLACK AMERICANS



## FEDERAL LEGISLATION

- Protecting Our Students in Schools Act
- Keeping All Students Safe Act
- Counseling not Criminalization in Schools Act
- George Floyd Justice in Policing Act

**“HISTORY, DESPITE ITS WRENCHING PAIN, CANNOT BE UNLIVED, BUT IF FACED WITH COURAGE, NEED NOT BE LIVED AGAIN.” – MAYA ANGELOU**