

## Silent Victims

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### **Part One**—July 21, 2009

They're the students who need extra care and protection.

But instead, parents, district employees, government workers and lawmakers all tell us they're being abused and the school district has done little to stop it.

Our story begins with a 7-year-old autistic boy named Gus Lapin.

"Why do you eat?" Gus' home aide asks him

He looks into space for a moment to think.

"I eat because I'm hungry!" he says excitedly, figuring out the expected answer.

That simple fact... a child eating, or in this case, not wanting to eat, is at the heart of an abuse lawsuit against the Clark County School District and special education teacher Lindsay Schoener.

"She said could you come inside because I think Gus is sick. He's been vomiting. So I went inside and indeed there was vomit in various places throughout the classroom and I asked her what happened and she said I don't know, I think he just probably doesn't feel well," remembers Courtney Lapin, Gus' mother.

Because young kids often get sick, so Courtney wasn't too worried.

That is until she got a call from the Staton Elementary school principal the next day.

"According to the principal, the police were at the school and that I should come to the school to get Gus."

At that point, Courtney knew something bad had happened, but no one was telling her anything.

"I was terrified. Terrified! When you send a child to school who can't come home and tell you what happened to him that day, it adds another level to your fear. It was devastating."

Months went by and no one at the school told Courtney and her husband what happened to Gus.

In fact, details only came after the family hired a lawyer to force the District to release the police report documenting the incident.

According to the report, Gus, who was five years old at the time, didn't want to eat the turkey in his lunch.

So the teacher intervened.

She reportedly told her aides, "Bear with me. This is not going to be pleasant."

She then sat behind Gus, pulled his head backwards against her chest and ordered him to open his mouth.

"And the whole time he was protesting. He was saying no turkey, no turkey!" Courtney learned from the police report.

The crime report goes on to say Mrs. Schoener clamped on his head, pinched off his nose, and when Gus opened his mouth to breathe, she dropped the turkey in and covered his mouth so he couldn't spit it out.

"His hands and his legs were flailing about. He was gagging and choking," Courtney read in the report.

The report shows that teacher force-fed Gus until he vomited repeatedly in front of all the other children.

"It just exceeds all bounds of decency and is outrageous conduct, particularly for a School District employee," says the family's attorney, Robert Kilby.

"And in a classroom where these kids need extra care and patience and understanding, to know that there's someone in the classroom who would do

this over something so small, it's shocking," Courtney says.

The classroom aides reportedly tried to stop Mrs. Schoener, to no avail.

The aides reported the incident to the principal and school police, saying they were "mortified" by the teacher's conduct, and suggesting the school "place a hidden camera in Mrs. Schoener's classroom and then people would be shocked over her behavior."

Nevada law says physical restraint may not be used on a pupil with a disability unless there's an immediate threat of physical injury to students or staff, or to protect against severe property damage.

All instances must be documented and reported to the school district and the parents.

Courtney believes that "unless someone had come forward, we wouldn't have known what happened. We never would have known."

School police submitted their report to the District Attorney for the crime of child abuse.

"The Clark County School District Police Department did request for a warrant to be issued for Ms. Schoener's arrest," Kilby explains.

But that didn't happen.

Lindsey Schoener was never prosecuted and she's still teaching special needs students at Staton Elementary.

Contact 13 has been told that her disciplinary action consisted of watching a training video.

"If that's all that was done, I probably would not think that was reasonable," says Assembly Speaker Barbara Buckley, who works for Southern Nevada Legal Aid Center.

She often represents children with special needs and feels that any school

teacher who did what Schoener is accused of should be terminated.

"Child won't eat... special needs... never take it upon yourself to force food down the child's mouth! Ever!" Buckley says.

She's puzzled by the fact that it took the Lapin family so long to learn what happened to their son.

"What message is that sending to these vulnerable families?" Darcy Spears asked.

"I think it's a really bad approach. I think that what it does is it infuriates the parents and it gets them angrier and angrier and what they will do is look toward litigation," Buckley answered.

The School District wouldn't talk about the incident with Gus and how they handled it.

They say pending litigation, unresolved personnel issues and confidential student information are not appropriate interview topics for district personnel.

For now, Gus Lapin is being home-schooled... the only place his parents feel he can learn and be safe.

Abuse allegations involving special needs students have been levied at the School District for more than a decade.

Contact 13 found a previous case involving a 10-year-old special needs student where a teacher and assistant held the boy's hands behind his back and force fed him oatmeal--which they knew he was allergic to--mixed with his own vomit.

He was also strangled so he would run faster despite a physical deformity in his feet and legs, pinned to the ground, and squirted with water if he couldn't stay on task.

The District fought that case starting in 1998 and eventually settled out of court.

But to this day, dozens of violations involving special needs students are still recorded every year.

**Part 2**—July 22, 2009

"When he saw his book bag, he started to cry. He didn't want to go. I didn't know what was going on but I never imagined the abuse," says Cora Taylor-Millender, her voice trembling.

7-year-old Joel is autistic.

He can't speak... couldn't tell his mother what was happening to him at school.

"So he sat there on the stairs and he chewed and he chewed and he chewed. That's how he got it out," she says, running her finger over Joel's teeth marks in the plaster of her stairwell.

Cora has been fighting for her son's voice to be heard since another parent told her she'd witnessed Joel being mistreated by a female teacher on the playground at Cunningham Elementary school.

"She saw them dragging my son. She heard them tell him to get his fat 'a' up. No child: autistic, normal, genius, no child should be mistreated. No child!"

The witness filed a report with school police and Cora went to the school principal.

But she says little was done.

"I cannot as a parent send my son back. I won't send my son back until something is done."

"And you feel like they're trying to brush this whole incident under the carpet?" Darcy Spears asked.

"They have!" she answered.

State law requires any allegation of child abuse or neglect to be reported to a

child welfare agency or law enforcement within 24 hours.

Cunningham Principal Stacey Scott told school police she was aware of that, but didn't do it because she felt she needed to conduct her own investigation first.

Police told her she was in violation of State law and shouldn't continue her inquiry without police involvement.

Violations of State law involving use of force on students are occurring in schools across the state.

The Nevada Department of Education lists 65 separate incidents at 48 schools in 2009 alone.

Most of them are in Clark County.

Many were reported by school employees who witnessed their colleagues abusing kids.

"We hear from other district personnel their horror that a child was treated in this manner," says Assembly Speaker Barbara Buckley of the Southern Nevada Legal Aid Center.

"Hitting them upside the head, pushing on 'em, pulling on 'em, almost pulling them to the floor," describes Anthony Sewell, a special education assistant at Lake Elementary school.

Sewell is one of the whistle blowers.

"I've heard a classroom teacher tell a kid that they have the memory of a flea. This is a zoo. You're stupid, you're a fool. All sorts of inappropriate comments," Sewell says.

But instead of dealing with the abuse allegations he brought forward, Sewell says the District began writing him up for not being a team player.

"The District doesn't deal with it, because if the District was dealing with it, it

would cease," he says emphatically.

Buckley and the Legislature are forcing change on the District.

A new law that went into effect July 1 requires the District to investigate when physical restraint is used on a disabled student three times in one school year.

And, there's more help for parents, too.

"They'll now be able to call Child Protective Services so that there can be an impartial investigation." says Buckley.

Cora is still fighting on her own.

Contact 13 went with her to a recent School Board meeting.

"I need results and protection for my son against his abuser!" Cora told the trustees.

It's not the first time she's been there, but a lawyer helped her get the full police report, which trustees hadn't seen before.

That seemed to get their attention.

"I read the first follow-up when she came the first time and I'd like for you all to really follow up again on this because to me, it really wasn't a satisfying answer, so some of the things that have come back this time go against what the first response was to what's happened in that classroom," said Board President Terri Janison, directing staff to do more on their investigation into Cora's concerns.

The District wouldn't talk to us about any of it, citing pending litigation, unresolved personnel issues and confidential student information.

Barbara Buckley says much of the frustration and fear parents feel would disappear if the District followed one simple rule.

"When something has happened that's wrong, step up, admit it and correct it! Because those kids still need to go to school every day. And that's what the

parents want. They want accountability and they want to know that their kids are going to be safe."

This isn't just happening in our school district.

A new federal report documents how students in other states have been pinned to the floor for hours, handcuffed, locked in closets, and subjected to other violent acts.

What's worse, despite criminal convictions, some of the teachers and staff involved continue to be employed as educators.

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