

[Date]

[Name/Address]

Dear

I am writing to you on behalf of the _____ Education Association. It is my understanding that there is a student assigned to the _____ at _____ who is extremely violent, aggressive, and disruptive. Consequently, the teacher for that class is required to spend a significant portion of each day working with this student in a separate classroom. During the period of his/her absence from the classroom, it is virtually impossible for the teacher to: (1) provide instruction to the other students assigned to her class, (2) address their needs, or (3) implement their IEPs.

[DESCRIBE VIOLENT ACTS AND INJURIES HERE]

As a result of the problems noted above, the teacher and other staff members are very concerned about their safety, the safety of other students, and about the implementation of IEPs for students assigned to the teacher's class. In order to address these problems, I am requesting, on behalf of the Association, that the District take the following steps:

- Immediately provide the student described above with a properly trained one-on-one aide who has the background and experience necessary to address the student's violent behavior and to provide the teacher and other staff members with additional assistance when the student engages in violent and/or sexually inappropriate behavior;
- Pursuant to 34 C.F.R. 300.301 et seq., conduct a complete psychological and psychiatric evaluation for the student to determine whether his violent and sexually inappropriate behavior is being caused by any issues relating to psychological, psychiatric, medication or medical issues, and to obtain recommendations for addressing any such issues;
- Conduct a new functional behavioral analysis for the student with the assistance of a behavioral specialist and modify the student's behavior plan to address the behavior detailed above and other inappropriate behavior;
- Provide the teacher and other affected staff members with training on implementation of the modified behavior plan, ensuring that such training provides staff with consistent strategies for addressing the student's behavior;
- Convene the MP team for the student to determine whether his/her current class or a more restrictive environment is appropriate to address his/her needs;
- To the extent that the school members of a student's team determine that the student should be placed in a more restrictive setting to prevent a "substantial likelihood of

injury" to others, and to the extent that the parents refuse to consent to such a change, request an expedited hearing or court order authorizing the change.

Please be advised that in the event that any of our members is injured as a result of the District's failure to act, we will hold the District and individual administrators accountable for such injuries, and we will be forced to consider bringing an action for damages under Section 1983. The action will be premised upon the District's steps in knowingly placing staff members in proximity to a violent student who is assaulting others. Similarly, parents of students injured by the actions of a violent student(s) may take legal action against the District and its administrators. E.g., Enright by Enright v. Springfield School District, 49 IDELR 100 (E.D. Pa., 2007).

In addition, as I am sure you are aware, under the Individuals with Disabilities Education Act (IDEA) parents of students whose IEPs cannot be properly implemented due to the teacher's forced absence from his/her classroom, can initiate due process proceedings against the District which may result in liability for compensatory education or tuition reimbursement.

Please call me immediately to discuss the requested action set forth above.

Sincerely,