

Couple suing BOCES for confined timeout

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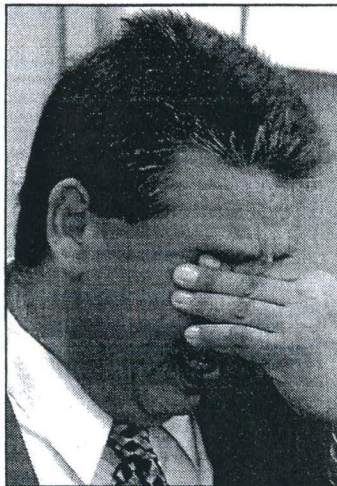
As the state moves toward tighter restrictions on "timeout" rooms in schools, the Hicksville couple that spurred the proposed regulations are suing Nassau BOCES and their home school district for \$190 million for confining their disabled son in a padded 5-by-6-foot chamber after he refused to cooperate with teachers and fought with other students.

William and Janet Schafer charge that Board of Cooperative Educational Services staff members, without notification, locked up their son, Billy Schafer Jr., 15, about 40 times last year during a five-month period — sometimes up to 50 minutes at a stretch. Billy Schafer is "mentally retarded," claustrophobic and suffers from seizures, according to medical and legal records.

In response to the Schafer case and others, detailed last winter in Newsday, the state is considering toughening its rules on the use of timeout rooms, with schools that violate the regulations losing federal dollars.

The Schafers contend that BOCES' Rosemary Kennedy School in Wantagh violated state guidelines by not carefully monitoring their son's detentions, and that repeated confinements in the closed chamber threatened his life, because he could have gone into convulsions and stopped breathing. Both Nassau BOCES and the Hicksville district have denied wrongdoing, and they did not comment yesterday.

"We're going to see that this never happens to another child



“ We’re going to see that this never happens to another child again.”

— William Schafer

again,” a tearful William Schafer said yesterday at a news conference. “They have a right to be heard, even though they may not have the same mental capacities as others.”

Last May 23, the Schafers say, they visited the Kennedy school and, to their shock, found their son huddled and crying inside a cramped room padded with blue gym mats. Since then, the parents say they have struggled to regain their son's trust, and have even repainted his bedroom, formerly blue, because he finds that

color repulsive. The family filed the lawsuit, which cites both federal and state statutes protecting the disabled, after failing to reach a financial settlement with school authorities, their attorney Frederick Brewington said.

The suit was filed earlier this week in U.S. District Court in Central Islip.

While state guidelines restrict the use of timeout rooms, officials in Albany may convert those into regulations, which are more enforceable.

Under those regulations, timeout rooms would have to be comfortable and unlocked — with school staffers observing at all times — and parents would have to be informed in advance of their use.

The state Board of Regents, which sets educational policy, is expected to reach a decision on the proposal within the next month or so.

“If we saw a locked door, we would practically tell them to unlock it while we're standing there,” said Rebecca Cort, a deputy state education commissioner whose staff drafted the regulations.

According to the Schafers' lawsuit, a school psychologist in charge of their son's therapy told the parents when they arrived last year that he hadn't known of the confinement that day.

The Schafers immediately pulled their son out of the Kennedy school, and eventually enrolled him in a private school. The lawsuit states that the Hicksville district, which had urged the son's return to Kennedy, stopped providing home therapy and instruction — actions the suit characterizes as retaliatory.



William Schafer Sr., with son, Billy, who's mentally disabled, after a news conference yesterday.