

Lawyers For Schools Mull Newtown Fallout

Dialogue focuses on school security, troubled students and available resources

By **THOMAS B. SCHEFFEY**

In the wake of the Sandy Hook Elementary School shootings, Connecticut school lawyers are fielding calls from school districts eager for a security checkup, and even from parents reconsidering an emotional health exam for a difficult child.

At the same time, the lawyer who helped draft much of Connecticut's law covering children with disabilities says the state's infrastructure for detecting and helping troubled kids is in bad shape — underfunded and uncoordinated.

Thomas Mooney, of Shipman & Goodwin, whose 20-lawyer school law group is the largest in the state, is also the author of the leading treatise on Connecticut school law. His firm represents about 100 school boards statewide, and the topic uppermost in these clients' thoughts is schools' physical security.

"I think the first step will be a security review," Mooney said last week. "I think security firms are going to be very, very busy. I was just at a public meeting down in Stamford, and they were talking about — at the board of finance -- funding a [school] security review. I'm afraid [Sandy Hook is] going to have a significant impact, relative to the way we do business."



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Special education attorney Howard Klebanoff said there is an 'un-recognized number' of emotion-

ally disturbed children in Connecticut's public schools.

Floyd Dugas, one of the eight lawyers in the school law group at Milford's Berchem, Moses & Devlin, spent much of last week in Newtown. His firm represents its school board. "There are a myriad of legal issues that come up after an incident of this nature," he said. "Some of them would be obvious to a school attorney, and some of them wouldn't be."

A national network of school lawyers had already organized a webinar to share the experience of lawyers who had handled the aftermath of school shootings in other parts of the country, he said.

The Newtown school system is creating a replica of the Sandy Hook elementary at a mothballed school in Monroe, six miles away. When school opens after the holidays, the pupils will find their old desks and classroom décor, along with state of the art security

cameras, on-site police officers, and other protective measures, according to Newtown authorities.

But even the most thorough security review can't guarantee all future evil acts will be prevented, Mooney said.

"Any time when we're reminded of the importance of student safety, and the need to review, and to make sure that we're doing everything reasonably possible, then that's an invitation we should accept with enthusiasm. I don't think the outcome of [a statewide school security] review is going to result in a situation in which the events of [Dec. 14] could not have occurred."

He painted this scenario. "Kids are out on the playground. A guy drives by...." Mooney concluded: "There's evil in this world, and we're not going to be able to prevent all of it. We can only reduce those risks."

Schools have so many different physical designs, said Dugas, that there's no single security protocol to follow.

"Many schools have some security measures already, ranging from school resource officers to unarmed security personnel. Some have doors you have to buzz in, some don't. Some have security cameras, some don't," Dugas said. "There really isn't a consistent starting point, and the inquiries have been all over the lot. One of the

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most immediate ideas is [for schools to consider] having a police officer on campus for the near future." Installing metal detectors is another possibility.

Threat Identification

In the years after the Sept. 11 attacks and the Columbine High School massacre in Colorado, Mooney added sections to his school law book about students who pose threats to others, touching on the 21st-century issues of Internet bullying and other new forms of violence.

Beyond the topic of making schools physically safer, Mooney says schools are involved in observing the emotional well-being of students. And parents, who may have previously resisted schools' suggestions, are just now becoming more receptive to their child receiving professional help.

"It's not uncommon for parents to resist efforts to deal with children who have a disturbance," said Mooney. "Whether it's just natural defensiveness about someone saying something negative about your kid, or about the adage that the acorn doesn't fall far from the tree."

He continued: "Interestingly, two of my partners said they've gotten [recent] calls where parents are in a situation where they think, 'Oh, my goodness,

maybe I should take this seriously and get a risk assessment [performed on their child], as the school people have been telling me. Because I might be at risk as well."

The first victim of Adam Lanza, the 20-year-old Sandy Hook gunman, was his mother, who purchased and registered the weapons he used.

There is widespread agreement that Lanza was a young man with emotional and mental disabilities, and some media reports said he may have been facing institutionalization. There is little question he did not get the help he needed in time.

West Hartford lawyer Howard Klebanoff, a former state legislator and the parent of two children with disabilities, has dedicated his legal career to the process of getting the right help to school age students with disabilities.

In the late 1960s, Klebanoff was a pioneer in this field. As chair of the legislative Education Committee, he drafted much of the disability law that affected schools in the state. He also traveled the country gathering citizen input for the federal Individuals with Disabilities Education Act (IDEA), which was introduced in 1975.

"I do a lot of work with children with autism, but the numbers of emotionally disturbed teenagers out there,

as far as I'm concerned, is just unrecognized," he said. Klebanoff negotiates with Mooney, the Berchem Moses firm, and other school attorneys to get appropriate academic programs and counseling for students with special needs. He said most of the cases are resolved in an alternative dispute resolution setting.

"The problem I see now, is the schools just don't have the resources to deal with a lot of these children," Klebanoff said. "They don't have enough psychologists and social workers. I frankly think that many of these children just are pushed through" the system.

Under federal law, school districts are supposed to be backed up by a network of state agencies which can pay for the special education needs. The state's agencies for children, mental health, and education are supposed to cooperate and fund in-school and alternative placement, said Klebanoff, but it is very costly, and individual agencies jealously guard their shrinking budgets.

At the local level, school boards are required to pay for special education costs, to the extent those costs arise as "an educational need," Klebanoff said. "In many cases, the school will tell the parents, 'This is not an educational need, this is a personal family need.'"

He quoted a Washington, D.C., judge: "Who plays Solomon, and cuts the child in half, saying these are the child's emotional needs, and these are the child's educational needs?" In almost every instance they're interrelated," said Klebanoff. ■