

grabbed hold of his arms, and pulled him out of his chair and pushed him over a long table and held him there for a few minutes. She attempted to hold him down by restraining one arm behind his back and with her other hand pushing against his back. was able to get up from the table and continued his verbal defiance to do the work and crawled under the table. He hadn't been aggressive to her physically. Ms. Garrett then phoned Mr. Agosto (Assistant Principal) and requested he respond to the classroom.

Mr. Agosto arrived and took aside and calmed him down. Once it seemed that had calmed down, Mr. Agosto left the room. When returned to his table, Ms. Garrett started to get on him again about getting his work done. got mad again, so Ms. Garrett sent him to the bathroom and closed the door. Although she couldn't see him, Ms. Mort heard slamming tables and a chair around inside the bathroom (The bathroom is used as a time-out area). Ms. Garrett went to the bathroom and took back to his table again. started to get agitated again, and crawled under the table and started hissing and growling at Ms. Garrett. At one point, he called Ms. Garrett a "bitch and a pervert." Ms. Garrett attempted to pull him from underneath the table but couldn't, so she contacted Mr. Agosto again to respond to the classroom. Mr. Agosto was able to calm down again, after which, there were no more problems. Ms. Mort feels that Ms. Garrett was too aggressive both verbally and physically with knowing his idiosyncrasies and behavior issues. Rather than work to calm him down, she got angry with the child which caused the child to become more aggressive.

Another incident occurred earlier this school year involving an ESE student named Ms. Mort recalled that was standing up and had been spinning a piece of string with his hand. Ms. Garrett approached him and told him to give her the string. was not ready to give up the string. Ms. Garrett explained to him that there was work to do and it was time to do it. Ms. Garrett grabbed the piece of string from He went to grab it back but couldn't get it from her. He turned to walk away from Ms. Garrett but for some reason, she started to move to hit him on the back of his shoulder with her hand to make him move faster toward his seat, but he suddenly turned his head around at which time her hand struck him on the side of his face.

Another incident occurred earlier this school year involving a 13 year old verbal ESE student named came in to the class and sat at his table. Ms. Garrett gave him a task to do but he wasn't doing it. was a little on edge that day. He wanted to giggle and draw a picture which is what he does when he becomes agitated and needs to unwind. Ms. Garrett was sitting next to at the time took his hand and moved it toward Ms. Garrett as he sometimes will push and say, "move...you move." As his hand went toward Ms. Garrett's chest or shoulder, she intercepted the hand by grasping his thumb and bending it backward while moving his hand away from her to stop him from hitting her. She held his thumb backward for approx. 30 seconds. screamed as she held his hand/thumb. Ms. Mort added that would scream any time Ms. Garrett came near him in class.

The next day when he came in to class, she noticed that the same thumb was black and blue around the first joint of the thumb. Ms. Mort asked how his thumb was injured and he could only say, "At school."

Ms. Mort further stated that on at least 20-25 occasions since the beginning of the school year, she has witnessed Ms. Garret "flick" on his earlobe if he wasn't doing his work or started to laugh at something. She said that Ms. Garrett has acrylic fingernails. What she would do is curl up her middle finger behind the thumb than force the middle finger to "flick" and make contact with the child's earlobe. On one or more occasions she would do it repeatedly until earlobe would turn red.

Another observation that occurred approx. 4-6 weeks ago involved a relatively non-verbal ESE student named She described as a small-built child. She said that sometimes when it's time go to lunch, would utter, "No lunch...no lunch" and not make any effort to get up from his desk to go to the lunchroom. One day approximately 4-6 weeks ago, didn't immediately comply so Ms. Garrett grabbed him by his upper arm, lifted him out of his chair and "slung" him toward the classroom door to get him moving to the lunchroom while telling him, "Get over there and get in line now!"