

The Patriot-News

'Our Asperger's son was repeatedly bullied'

HAMPDEN TOWNSHIP, Cumberland County, Pennsylvania, USA: A Hampden Township couple allege in a federal lawsuit against the Cumberland Valley School District that their son, who has Asperger's syndrome, was repeatedly bullied and harassed by students and teachers from 1998 to earlier this year.

"His educational history at the defendant district is a tragic and tortured account of gross negligence, deliberate indifference and unsympathetic discrimination by students and school personnel alike," Andrew and Karen Bloschichak claim in a United States Middle District Court lawsuit.

The abuse and discrimination "exacerbated" their son's Asperger's and caused him to regress, the suit states. The Bloschichaks seek unspecified monetary and punitive damages for "economic, psychological, emotional and physical injuries."

The suit also names Beverly Wilson, the district's director of special education; Sandy Baughman, the boy's fifth-grade teacher; June Seiler, his fourth-grade teacher; Kim Duke, his third-grade teacher, and Kathleen Luft, former principal of Shaull Elementary, where the boy attended.

Superintendent Jean Walker said on September 19 that she could not comment on litigation, and the employees named in the suit are not allowed to comment.

"Any time we have a student with any particular special need, we ensure that the staff who are working with that student has the appropriate training," Walker said.

Luft, now supervisor of elementary curriculum in the Mechanicsburg School District, could not be reached for comment.

The boy, who is identified only by his initials in the lawsuit because he is a minor, was diagnosed with Asperger's syndrome in 1998 and also found to be "mentally gifted." The lawsuit describes him as "a strikingly handsome young man, talented with a brilliant mind, particularly in the area of math."

The suit says the boy, now 14, was subjected "to a pervasively hostile environment of bullying by non-disabled students and abusive staff" since first grade.

Students taunted and humiliated him, ransacked his backpack, took his school supplies, stole his lunch box, covered the back of his head with spit and filled the hood of his jacket with spit balls and paper, according to the suit.

Because some of his peers threatened to break into his house at night and steal things from his room, he slept with the lights on for a year, the suit states.

To escape the abuse, he hid under his desk in the classroom and spent an "inordinate amount of time in the bathroom," the suit states.

His teachers were unfamiliar with Asperger's, punished him for behavior associated with the disorder and sometimes physically restrained him, the suit states.

An aide restrained him once to remove from his pocket a caterpillar that he claimed was his "only friend," according to the suit.

Asperger's is characterized by impairment in communication skills, as well as repetitive or restrictive patterns of thought and behavior, according to a National Institutes of Health website.

In 2000, the boy's parents paid a psychiatrist to conduct training at Shaul Elementary, where he attended from 1998 to 2003, explaining Asperger's syndrome, the suit says.

"Despite this training that the defendant district should have provided, the lack of understanding and knowledge of Asperger's continued throughout the remainder of the year," the suit alleges.

Andrew Bloschichak said he had talked to his son's principal, the district superintendent and several school board members, to no avail. "There were no other schools that would provide him with what he needed. Cumberland Valley had the resources but wouldn't use them," he said.

The Bloschichaks are asking the court to uphold a 2004 decision by the Special Education Appeals Review Panel that found the district had discriminated against their son and had failed to provide him with "a free appropriate education," as required by law.

The decision awarded the Bloschichaks 180 days of compensatory education and ordered the district to develop an autistic support program and educate school personnel about autism.

The district appealed the order, and the appeals panel reduced the compensatory education award to 450 hours, according to the lawsuit.

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