

## Student's Behavior Leads to Injured Staff Members

### Objectives

The objectives of this risk management claim review are to:

- Examine a recent Workers' Compensation claim related to a student's behavior;
- Understand the impact of these types of injuries;
- Develop specific risk management best practices to either prevent or mitigate future losses for Connecticut school districts based on lessons learned.

### Background and Incident Description

- On the date of the incident the student was stated to be visibly extremely upset. Based on statements from other staff members this was not something out of the ordinary as this student tended to be very vocal and emotional yet had never behaved violently prior to the incident.
  - The student did not have an established Individualized Education Plan (IEP) or 504 Plan.
  - The student was not been placed on or considered to need a Behavioral Management Plan
- On the date of the incident, the school district did not have any behavioral analysts on staff. There was only one school psychologist on staff.
- A para-professional observed the student in the hallways yelling and screaming at their locker. Seeing this behavior the para-professional approached the student from the side.
- The para-professional called the student by their name and asked if everything was okay, and if they needed any help.
- The student turned and faced the para-professional and began glaring at her.
- The para-professional again asked they student if they needed any help or would like to talk about what was bothering them.
- The student began screaming at the para-professional, at which time the para-professional requested that the student calm down. The student responded by kicking the para-professional directly in the stomach.
- After being kicked, the para-professional fell to the floor gasping for air. Once on the floor, the student repeatedly kicked the para-professional in the stomach, yelling and screaming at her.
- Hearing the para-professionals yells for help, two (2) teachers who were in their classrooms entered the hallway and observed the student kicking the para-professional.
- After calling for the school to lockdown both teachers attempted to intervene and restrain the student.
- During their attempts to restrain the student, both teachers sustained injuries:
  - Teacher A was elbowed in the face causing a bloody nose and black eye,
  - Teacher B was shoved and pulled to the ground by their arm which resulted in a dislocated shoulder.
- The student then entered the culinary classroom adjacent to the incident and grabbed a large kitchen knife and began to waive it around erratically.
- Additional support arrived and attempted to gain control of the student. After 15 minutes they were able to convince the student to put down the knife at which time the student was taken into custody by local law enforcement without any use of force or further violence.
- Emergency Medical Services responded and transported three (3) staff members to a local hospital for treatment of their injuries.
- Further investigation noted that the student was under the care of a psychologist for multiple disorders and had stopped taking their medication. On the date of incident, it was determined that the student had not taken their medications for approximately 10 days.
- There was "constructive" notice to the staff and student body that this particular student could have verbal outbursts and display extreme emotions which often lead to verbal arguments with both staff members and other students.
- The district did not have any intensive or behavioral management plan in place for the student

- Continued next page

## Injury and Damages

- As a result of this incident, three (3) employees were injured:
  - The **para-professional** sustained significant bruising to their abdomen and two (2) broken ribs. They were treated at a local hospital emergency room and released home. The para-professional was out of work for 12 weeks. They ultimately resigned from their position, stating that the ongoing anxiety they felt working with students was too great and contributed to several other long-lasting conditions. **This Workers' Compensation claim was closed for \$55K.**
  - **Teacher A** was elbowed in the face which resulted in a fractured nose which caused disfigurement and required surgical intervention. Teacher A was out of work for 6 months and suffered from anxiety and panic attacks. Teacher A ultimately requested a transfer to a different school within the district which was granted and they returned to work the following school year. **This Workers' Compensation claim was closed for \$250K.**
  - **Teacher B** had been thrown to the ground and suffered a dislocated shoulder which required surgical intervention to reduce the dislocation and repair several soft tissue injuries. Unfortunately, Teacher B did not respond well to initial treatments and intervention, and required several additional surgeries. The resulting effect was an 8% disability rating of their right shoulder. Teacher B returned to work after 12 months. **This Workers' Compensation claim closed for \$350K.**

## Conclusion

Many teachers, administrators, and para-professionals are at risk of being bitten, kicked, scratched, and punched while at work. Since the 2007/2008 CIRMA policy year, the number of physical assault claims experienced by teachers and paraprofessionals has increased exponentially over the past ten years. In addition to the Workers' Compensation claim costs and physical pain that these events cause, staff can suffer from long term emotional stress and trauma, which may affect their personal and professional lives. Through further analysis into the causes of these injuries, CIRMA identified a trend in behavioral issues in those students **who were not** identified by either an Individualized Education Program (IEP), 504 Plan, or other intensive management program. Generally, IEPs, 504 Plans, and other intensive management programs are successful because they help provide necessary information to educators on how to effectively communicate with and plan lessons for those students with behavioral or other needs. However, educators indicate that there is not a similar method of documentation for students who are not identified as needing some form of behavioral management program. Often times, this lack of documentation makes it difficult for faculty to apply appropriate risk mitigation techniques to protect themselves and their students from physical and emotional harm caused by the actions of a few students. Furthermore, it can propagate a bias amongst educators that there are "problem-students" who will continue to act out or are unwilling to change their behavior. School districts throughout the state of Connecticut are investing in new and innovative methods that promote positive school climate to fill the gaps in documentation methods that existed in their previous systems, these methods may include considering;

- Restorative Practices methods as a supplement to traditional disciplinary protocols
- Employing Board Certified Behavior Analysts
- Training on Trauma Informed student interactions
- Problematic Behavior Training
- De-escalation training

Promoting a positive school climate should be the responsibility of the entire faculty. As Halford E. Luccock, a 20th century Yale University professor and minister said, "You can't whistle a symphony; it takes an orchestra to play it." CIRMA considers it a best practice for schools to implement a behavioral management plan / protocol as a tool to foster a safe environment where students feel like they can learn and have a voice.

## Key Recommendations/Action Items

The below recommendations are proposed to assist CIRMA member school districts in enhancing their efforts to continue to provide safe meaningful environments for staff and students:

- Consider working with Board-Certified Behavioral Analysts to create a behavioral management plan for schools to coincide with their current safe school climate.
- Consider working with school resources to put in place plans for working with students who do not have formal mitigation plans.

- Consider establishing and training staff on protocols for engaging and intervening with students whom seem to be in a mental health crisis.

CIRMA's Risk Management team is seeking feedback from the School District Advisory Committee on the recommendations presented aimed at reducing the likelihood of injuries to students during physical education class. Following the meeting, any additional thoughts or comments should be directed to Joey Barbera at [jbarbera@ccm-ct.org](mailto:jbarbera@ccm-ct.org).

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For more information on this topic, please contact your CIRMA Risk Management Consultant. Visit our training schedule at [CIRMA.org](https://www.cirma.org) for a list of current training programs.