

# RESULTS OF ANONYMOUS INTIMIDATION AND RETALIATION SURVEY BY PAD-CO (PARENTS OF ADULTS WITH DISABILITIES IN COLORADO) AUGUST, 2012

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## 27-10.5-141. Retaliation prohibited

*No person shall be discriminated against because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing pursuant to this article, including the dispute resolution procedures in [section 27-10.5-107](#). A service agency, including the department and any community centered board, shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of any right pursuant to this article, or on account of his or her having exercised or enjoyed any right pursuant to this article, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of any right pursuant to this article.”*



Other:

sped teacher (former)

Teacher

have not been intimidated or retaliated against

2. I or someone I know has been the subject of intimidation or retaliation in the past two years

[Create Chart](#) [Download](#)

	Response Percent	Response Count
<b>Yes</b>	88.6%	31
<b>No</b>	11.4%	4
<b>Not Sure</b>	0.0%	0
	<b>answered question</b>	<b>35</b>
	<b>skipped question</b>	<b>0</b>

3. This intimidation occurred in (choose all that apply)

Create Chart Download

		Response Percent	Response Count
A school		58.1%	18
A "Single Entry Point" agency		29.0%	9
A Community Centered Board		29.0%	9
A recreation department		0.0%	0
In the workplace		16.1%	5
A support agency working with an individual or a family with a disability		22.6%	7
An Approved Service Agency		12.9%	4
A psychologist, doctor, social worker, etc.		16.1%	5
In the community		12.9%	4
		Other (please specify) <a href="#">Show Responses</a>	7
answered question			31
skipped question			4

Other:

school district daycare program

These all converge in a single story.

by superiors and coworkers in special ed public school district

Voc rehab

have not been intimidated or retaliated against

Department of social services

4. Please describe in your own words, the intimidation or retaliation that occurred.

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Response

Count

[Hide Responses](#)

35

Responses (35)

Text Analysis

My Categories (0)

An advocate for child was brought to the IEP meeting and the staff was offended and angry and made the entire meeting horrible. Child never did get inclusion as requested.

My daughter is an Asberger Child with bipolar disorder, oppositional defiant disorder and anxiety. The district refuses to send her to an appropriate program that could help her as an adult. Instead they keep passing her like a hot potato and giving me phone numbers for resources that are not even appropriate. She is falling behind and I have no where to turn.

a medical provider "flipping the bird" to my son when she was frustrated on how he was managing a medical condition. ..I was in the appointment and witnessed this intimidation

My son's 504 behavior plan for his after school program was not followed but he was repeatedly suspended - and eventually expelled - anyway. Early on, we could not get clear answers as to why his behavior plan (for after school) wasn't included in his IEP. Even the Special Education Director gave a strange nonsensical answer about the after school program not having specialized programming and not being academic. We eventually figured out on our own that it was because of the way the district had funded it. It felt like they were trying to hide this, as it was a simple explanation. As time went on, we encountered hostile personalities in 504 meetings. For example, we questioned why their expulsion policy was restated in the behavior plan when everyone knew that it was the policy from their handbook. The supervisor insisted that they "needed" it to be included in the 504. In our last meeting, there were eight people from the school district who had obviously had a private "pre-meeting" before we came in. After a very short meeting, we were ushered out - thinking that the meeting was over for everyone - only to find that everyone else was staying and having a secret "post-meeting" after we left.

A high school student with Autism attends a school with fewer than 50 students. One student makes an allegation of harassment that goes to civil court where it is dismissed. The school responds by pulling the student with disabilities from mainstream classes, only allowing him back into class with a full-time 1:1. The student is written up for every violation of the student handbook, which was rewritten summer 2011 and the changes appear to target this student. When the parents requested relief, the school clamped down tighter. The BOCES supervisor is now excluding the parents as members of the IEP team by not allowing them any say in their child's education. The parents requested relief from CDE through a hearing and the school produced documents of the student's "violence" dating back to preschool. The "violence" included name calling, swinging at children who were bullying him and writing "inappropriate" things on his paper. The parents have been forbidden to speak at school board meetings and the student is not allowed to participate in extracurricular activities since an aide is not present. Additionally, the community 4H program refused to allow the student to participate last year. The mother of the child who alleged harassment complained to 4H, who then removed the student with disabilities from the program. The parents filed an ADA discrimination complaint, the school district refused mediation. Last week, he student overheard the school principal telling his new aide that he was a "nasty child who didn't deserve to be in school." The school has already refused to meet with the parents to review the IEP, stating they only have to meet once a year.

No intimidation/retaliation - stupidity yes.

My non-verbal child showed obvious displeasure when taken to elementary school, and was especially unhappy when in the presence of his SPEDs teacher. But she always seemed so nice.

I thought he must be reacting to a perfume or something on her breath, maybe a body odor, that kind of thing. But one day I was at school and was sent to the SPEDs room for a hard candy -- biting down on these seemed to help my son when he was out of rhythm with the class. Entering the SPEDs room, I found the SPEDs teacher shrieking at and physically intimidating a Downs syndrome student who had no ability to do anything but cower in the face of this onslaught. It was bad. I stopped just past the doorway in utter shock. When the teacher realized I'd entered the room, her behavior instantly changed. She suddenly smiled and began speaking to this child in such sickly sweet tones that I honestly felt the urge to barf.

I'm the CNA on my son's case. One day my supervising nurse, after visiting my home, reported to the owner of the nursing agency the behavior she noted from my son's father (who would probably be diagnosed with autism if he were going through the school system now rather than back in the 60s). The owner of this agency also happens to serve as the area's CCB director. This owner/director called me and asked me a number of questions about my relationship with the father who was at the time still living in my home. She was very sympathetic, and over the course of a 30 minute phone call, offered her home for my son and I to seek shelter should I ever feel we were in danger. This was nice of her, but totally unnecessary. Several months later, the supervising nurse asked how things were going. Things were the same -- not dangerous mind you, but not very pleasant -- and I told her so. She reported this to the CCB director, who called me again, this time furious. She told me that she could not put her CNA (that would be me) in harms way in a dysfunctional home (that would be mine), so she was going to drop the patient (that would be my son) in the best interest of her employee (that would be me again). This was so shocking and bizarre that I didn't know what to make of it. But clearly this CCB director needs some medical attention of her own. Since she had the power to refuse service to my son, to fire me and to even disqualify him for his medicaid waiver should the whim strike her, it did not seem wise to for us to stay where we would remain on her radar, I promptly moved both my son's case and my license to another agency.

My son was badgered by his art teacher and special education teacher, also high school coach

There have been several instances where I, or my colleagues, have felt defeated by the administration in the school building I used to work at... don't ask questions because rude and angry responses followed. Do what you are told and life will be good, don't and you will be treated with hostility and feel uncomfortable in the future when you try to advocate for students and for whats best for kids.

I was criticized regularly for advocating too much for students and families. It was noted on my performance reviews. I was told the only thing the district wants is compliance (paperwork) and my attention to the minutes of instruction with kids in chairs. I also was indirectly told my abuse and neglect reports were overreactions.

Schools discourage or threaten to take services away from your child. Social worker making statements against parents decisions in their own home.

The "system" creates a somewhat intimidating environment with the incident reporting procedures. At the day program (and this used to occur in the school system) they are required to fill out (and send copies to "the system") an incident report any time something unusual happens. These typically relate to minor injuries or unusual medical circumstances (e.g., raw skin around g-tube). There have been times that the day program has used the incident reports as a veiled threat that we are not caring for our adult child properly (accused of not applying lotion around g-tube, cuts/scrapes that show up that day program says they did not cause or observe). The times that the veiled threats occur seem to be after we report issues with day program's care of our child. Veiled threats are not by all day program staff but by a couple of them.

My child who has severe autism and other medical problems started to show behavior that he has never done before and he is normally a verry happy child with a big smile on his face. He has very little words but when he started to say NO school, stay home every morning we went to school to try t get some answers. They said he was fine and there were no problems. When I asked them if I could walk in the next couple of weeks and watch him to see if maybe I could notice a difference they said that was not a good idea because then they might not be able to

give him all the services he needed. I could do it if I let them now up front but that really would bot show me what was going on. The next time we felt intimidated when we wanted to appeal a cut on his cna hours. The agency that oversees the hours told us it was absolute useless to appeal because there was no way we would get our hours back. We had all my son's dr's and therapist supporting us and saying he needed the cna for medical reasons. Ten when it was approved they did not do back pay. They told us medicaid would not pay back to the date it was approved and again they kept saying it was a waist if time. They did not wanted to give us a statement that they only payed us the lowered hours. We took it to appeal anyway thinking we did not have anything to loose and since we could prove the hours were worked they had to pay the back pay. After all of this they kept saying that as soon as the new rules come out we will be one of the first they will be looking at to cut the hours from. I don't want to have to go through all this stress again but if we have to we will try. I doubt if we will have any help from ththem. I know they where overwhelmed but that should have meant they should have encouraged us not to appeal.

Willful withholding of notice and payment for aids; reduction of benefits when disability escalates without notice; discriminatory statements and epithets regarding all persons with disabilities; refusal to provide NEMT or any other transportation services; promises to return calls or respond which are never kept. The list is too long..

Purposely prolonged an appeal matter.

I was having issues w/my childs school.I am not sure that "retaliate" is the right word,but they did say "if you don't do...,then he can not come to school".My son was also put in SECLUSION for over a month b/c of behaviors they THOUGHT would occur.He was also suspend 2 times because of behaviors that are in his behavior plan as they are a manifestation of his disability. They also had a IEP meeting,that they told me was NOT a IEP meeting,I got no prior written notice,and was told that the meeting was not a IEP. They also took things out of his IEP that were supposed to be in there.I was lied to many times about many things.

Intimidation relates to annual service plan reviews, SIS evals, and the new/renewed HCA program. CCB person has said things like "if consider X change, you will lose benefits", "if you switch waivers, you won't ever get back on this waiver", "if we do a new eval or review that you're requesting, you most likely will lose services and funding". The SEP said "if you want a different waiver program, you will lose HCA and you won't be able to make up the difference and will lose service" (even though the "other waiver" provides more funding per person)

Retaliation occurred against me by my math teacher, head of the math department and the director of disability services

over receiving service on a continueing basis, keep your mouth shut and you will get services, otherwise you won't

too many cases as an advocate to be clear, but it is always the same thing --person complains and is blamed and villified

We have always done the procedure with positive results, but this time it involved a "powerful man" and as a result; something that has always worked and has always been free now will cost \$500+. It is retaliation.

Teachers and paraprofessionals at my child's school were told "if they spoke to parents about the truth of actions of other teachers and paraprofessionals behavior toward students in the special needs classroom, then the teacher or paraprofessional who spoke to parents would lose their job or be reassigned to other job."

This has happened in many different settings with my child. Individuals as well as schools and agencies have tried to intimidate me whenever I've asked for more services. They've replied by saying "if we do that for your child, we would have to do it for everyone."

Literally, "what makes you think you can hold down a job if three college classes are too much?". This was stated in an email to my son with Asperger's. In addition, he has been required to take

higher level classes before level one general studies, i think both of these instances were designed to intimidate him into not going to college and act as a "weeding out."

school called me telling me my child was sending suicidal text. I went in obviously hysterical. They gave me a ticket and banned me from the school for my behavior. This was while a compliant I filed was in process. After weeks of constantly calling me, instead of following the IEP & BIP to discuss or fix the situation. The school offered no support or resources for my pleas, which are on tape, of what to do with this information that my child was suicidal. Just the ticket and I was difficult. The school has also controlled or limited my communication with my child's teachers. Will not answer e-mails regarding the IEP and academics. So, I am not a fully participating member of the IEP team.

have not been intimidated or retaliated against

The most recent retaliation against the client I work with happened three summers ago. It is out of your time limit, but since said client has been frequently targeted in years before that, I consider it significant. My client filed a complaint against the SEP/CCB after they tried to get her staff in trouble (via falsified incident report) in response to my client speaking out against abuses that the SEP/CCB committed in the three decades said client has received services from them. DDD investigated but as this was the first time they investigated and the SEP/CCB lied about what happened, DDD said that no retaliatory intent could be proved.

as a professional with disabilities, i have to use my program budget to pay for accommodations. i have tried to bring this concern up, and i always get 'its part of the program' and then at the same time i am told to watch my budget ( a lot of the expenses is from providing accommodations).

Teachers in two different schools that our daughter attended that were not allowed to state the reasons for additional need for Paraprofessionals for their classroom to help with our daughter. When approached by us, the teachers were quiet and refuse to say much in front of the IEP team. Also, a Principal that was refusing to allow daughter to remain at the Elementary school that she was at (since we moved into another area). He was receiving flack from the SpEd director of the school district. He finally allowed our daughter to stay the last year of her Elementary level of schooling, but only after I contacted CDE.

PWD referred by one medical professional to a specialist for a specific test. The specialist phsician refused to look at or communicate directly with pwd. He refused to consider PWD for the needed test, saying it would be inhumane for "someone like him". Referring physician later phoned the specialist to intervene.to no avail.

Calling in Social Services when I insisted my child was being harasses by a para who threatened to push him down the stairs. Neighbor across the street threatening me and my children, verbally abusing all of us. Social Services filing lots of false reports when I complained about a worker who was negligent.

Asked about SIS reassessment as my adult child's needs have changed. Was told that if child got a higher SIS level, that would mean that child's needs could not be met in current (independent) setting and child would have to move into more restrictive setting.

I have not experienced intimidation or retaliation.

I spoke out about my child not having adequate job coach support and was told by director/coordinator that she was too busy and if I rocked the boat by going to board meeting my child would not get any supports. She said she could do this because they are understaffed

5. Did you report the intimidation or retaliation to anyone?		<a href="#">Create Chart</a>	<a href="#">Download</a>
		Response Percent	Response Count
Yes		60.6%	20
No		39.4%	13
		answered question	33
		skipped question	2

6. If you did not report the intimidation or retaliation, please state why		<a href="#">Download</a>
		Response Count
		<a href="#">Show Responses</a>
		17
		answered question
		17
		skipped question
		18

**Fear**

it did not occur to me - we just never went back to this provider again

Who could I go to with this? I've run into other people -- parent CNAs and contract providers -- who have had their own bizarre run-ins with this owner/director. None of us know what to do with our stories.

In my job- I did not Because all done my my superiors and the sped director. As a parent, I did go to Sped director and was pretty much told that is practice. No empathy or apology for being bullied at IEP meeting of 19 school staff versus 3 on our side.

Inappropriate treatment that should not be tolerated

Fear that reporting would cause mistreatment of our child (that we would not observe and would not leave marks on child).

School would not made a difference and for the cna hours I am still there client and don't want any repercussions by having even less help or less hours when the next evaluatio coms up

I just wanted to resolve the situation as quickly as I could.I do plan on filing a state complaint at the beginning of the school year.

People "in the system" won't believe this occurred and would make sure that the report would get back to the offending employee. This would result in possible retaliation with reduced assistance from the employee and reduced program services.

I'm just one person and reporting will only cost me funding and will not fix the system that is very



broken

Fear of more or worse retaliation or just realizing there was no one higher up who cared!

I have checked into filing an OCR. I still want to but I'm trying, since the incident in March to get my child into another school. I have until the end of August

have not been intimidated or retaliated against

In the 3 decades my client was receiving services from the CCB, client reported verbal/emotional abuse, verbal sexual harassment, and neglect to CCB staff. Not one complaint was ever addressed. My client was not aware at the time that she could report problems to DDD - this was never stated.

I tried to speak out, and continued to get the statement that it's part of the program budget

To CCB SO THEY WOULD NOT USE THAT DOCTOR.

My adult child does not want to live in a more restrictive setting and I did not want to jeopardize my child's current placement.

7. If you reported the intimidation and/or retaliation, to whom did you report it and what happened? [Download](#)

	Response
	Count
<a href="#">Show Responses</a>	23
answered question	23
skipped question	12

I sent a letter to the school principal, then I sent a letter to the department of education district 2, no one has returned my letter. It's a lost cause

We reported it in writing to the school district superintendent. He disregarded our concerns and took no action whatsoever.

CDE and OCR. First CDE complaint went to mediation. Parents thought the issue was resolved, but the school created a learning environment that is intolerable to the student. The second CDE complaint was dismissed at the parent's request because the school district produced over 150 teacher notes and "behavior records" as evidence. The parents cannot afford a lawyer to defend their child against these allegations. OCR complaint pending.

I reported it to the principal, who did nothing. I followed up with a written report, which the principal forwarded on to the SPEDs teacher. The SPEDs teacher responded that my claims were ridiculous, and the principal dropped the issue. I then took my concerns to the district SPEDs director. She read my write up and invited me in to discuss this further. She seemed genuinely alarmed by my report, but if she ever did anything about this teacher, it was not apparent. The SPEDs teacher continues to work at this school in the same capacity to this day. My son, who is now in middle school, heads off in the morning with a spring in his step. I'll always wonder what he may have seen or endured in his grammar school SPEDs class that he couldn't report due to his speech issues.

Principal, one teacher was disciplined, the others defended themselves and the other students

who witnessed the incident were afraid to speak up. Same with the high school coach, the athletic director stated "I stand by my coaches"

my building union rep, but I ended up having a counseling session scheduled to discuss issues my Administration suddenly had with me- entirely unrelated to my complaint of unfair treatment and illegal happenings in my department.

I went to SPed director after terrible IEP meeting and we recovered a few weeks later after seeing sped director. No minutes were in IEP about our disagreement or concerns. Lip service.

Department of Education. Nothing. Supervisor. Nothing

Sue Birch, HCPF; Governor Hickenlooper; CCDC; filed appeals with OAC; all manner of persons at PPL; Phil Stoltzfus, HCPF Adult Waiver Administrator; Department of labor, Wage & Hour; DORA; State representatives (federal and Colorado). Results = no answer or returned calls except from CCDC.

To the Sep Case Manager and Supervisor and the Colorado Department of Health Care Policy & Finance.

OCR pending investigation

always the same --bogus investigation consisting of asking the other side their story then taking it as gospel and finding no cause

We are in the process of doing so, JVC

The teacher and paraprofessional supervisor/administrator who denied that any such statement was ever made to any teacher or paraprofessional.

\*\*\*\*\* Supervisor of case manager at Voc Rehab

I have done state complaints and the schools just get their hands slapped

I have not been intimidated or retaliated against

Over three years ago, incidents were reported to the CCB. I was reprimanded by the CCB for reporting physical abuse. They made my working conditions so unpleasant that I quit. They did not care that clients were being hurt. With the incident three summers ago, it was reported to DDD but the CCB was not found to be guilty of retaliation.

I tried to speak out, and continued to get the statement that it's part of the program budget

CDE- CDE called the District on the permit of our daughter to the Elementary school. As a result of their calls to the SpEd director, our daughter was allowed to stay at the Elementary school. The situation with the Paras is ongoing. Not sure who could fix that, as the school district says they don't have the funds for additional supports.

NO RESPONSE other than sorrow that it happened.

School -they called in social services who found nothing. Police who talked to the neighbor but they kept on doing it - repeat over and over. State dept of Social Services, who did nothing.

I reported it to another staff who was afraid to get involved. Also talked to board member who said they don't intervene in staff/client issues

8. Is there anything else you would like to add? Thank you for completing this survey. Upon compilation, the results will be posted on the PAD-CO web site - [www.pad-co.info](http://www.pad-co.info) The results will be sent to legislators, policy makers and other appropriate individuals.

[Download](#)

	Response
	Count
<a href="#">Show Responses</a>	19
answered question	19
skipped question	16

Yes, we need help with our children. A takes a village

I actually feel a bit uncomfortable even completing this survey. I feel like our story is somewhat identifiable and that if school personnel see it, it could be held against us. I think that speaks to the effect that our experiences with the district have had on me. However, I will share it as I believe it is important to try and make a change for the better!

In a school of 50 students, 17 staff members and 1 secretary, why does a verbal, grade level performing, proficient or advanced CSAP student require an aide who sits and reads a book all day? Because the child who claimed harassment has a parent at the school. Because the principal doesn't like the outspoken parents. Because the child has a disability that the school doesn't recognize as a "true" disability and considers the student to be "hiding" from consequences. Why is this school using a K-3 social skills curriculum with a 15 1/2 year old student? In rural areas, there are no "school choice" options. There are no appropriate services for students with Autism. The BOCES organization fails due to cronyism. Why should parents have to spend days of their lives and thousands of dollars to get their child a "free and appropriate public education?"

It's heartbreaking that things like this can happen and that there's nothing parents can do about it. If it had been a therapist in a hospital who had behaved this way, she would have been fired on the spot. We also could have sought treatment elsewhere. But we are stuck with our schools. Our kids must go there every day, for hours at a stretch, away from our supervision. And the rights of the teacher have grown to trump those of all others. No one should have that degree of job security. That kind of smug right to lifetime employment and a guaranteed comfortable retirement no matter what may actually contribute to the behavior I witnessed.

My son bashed and ended up in the alternative high school where he graduated, and took up his sport in Denver instead

I left the public education field of sped after this. It is rampant. I also feel regular bullying as a parent when told "if you refuse the pull out time we suggest we cannot educate your child properly". I went to the sped director to complain and seemed it was common practice to skip over LRE and over-service minutes to cover their butts. All about lawsuits and not about education or post secondary outcomes. So terribly disappointing...

I just want to make sure this is anonymous

If the agenda is the genocide of the disabled, regardless of age, then the State of Colorado is well on its way to accomplishing such an end. Withhold a single service, benefit or dollar from any state or local administrator and they will throw a tantrum until they get their way - or they will simply pocket the money illegally. The waste is not in the services to the disabled. The waste is in the over-paid and under-worked program administrators who use retaliation and threats to maintain and enhance their way of life and eliminate the liberties and rights of the disabled.

The appeal process took over two years before my yearly CDASS allocation was increased.

My child is 10 years old. He was in the "severe needs" program. He has classic autism, is non-verbal, he also has type 1 diabetes, seizures, SIB, MR..etc Honestly I am SICK of schools doing whatever they can "get away with". It seems like they have very little accountability for their actions. It is not right that as parents we have to spend countless hours, reading IDEA laws, in order to make sure that whatever it is they are doing is "right" for our children. What the school does is often illegal and it is not right. There are so many kids that do not have access to services/assistive technology that they qualify for (ie: non verbal kids do not get augmentative communication devices, some of the kids in my son's school got NO time in reg ed b/c they did not have para's to cover them, although it is in the child's IEP). Para's are often under trained. Teachers often have little support to deal with behaviors. I honestly could go on and on, but I will not

we really need to address this the only way to change the dynamic is when the PWD or family is in charge of the resources --you do not retaliate against your boss

The paraprofessional who spoke to a parent about the truth, was reassigned and was not allowed to reapply for the former position. This occurred even though the administrators denied that any repercussions would occur.

There is such pressure for success of people with disabilities, measured by successful and timely completion of employment plans, which doesn't seem to account for the fact that these folks have disabilities and the accompanying issues--mental health, illness, developmental delays, etc. far too much emphasis is given to accomplishing success within a given time period. I do believe it would be better to require documentation of progress and interventions as they occur and are needed than to have one data point that isn't reflective of the reality of the clients.

If you know of an organization, other than an OCR or state complaint I can report the schools behavior to, please let me know.

have not been intimidated or retaliated against

I have never seen a system in which fraud (Medicaid fraud and incident reports falsified to avoid noting that staff deliberately provoked clients in order to get them to hit staff so that staff could take them down in a physical hold - this was referred to as a "behavioral program". It was instated to intimidate clients), neglect, exploitation, and abuse (verbal, emotional, physical, and verbal sexual harassment) are so endemic. CCBs should not be allowed to police themselves - it's the fox guarding the henhouse.

I don't think that ANY programs should be responsible for the professional's need or accommodations cost-wise. I believe it should be as part of the organization as whole, not from the specific program whereas the professional has the disability.

It was necessary at one point to seek legal support to get DDD to fund a needed intervention. The CCB in the interim was appropriate and provided requested records promptly. Following this all interactions within the system have been appropriate. It gave us encouragement to know that there could be disagreement without backlash.

intimidation such as you describe can happen in any system to some degree. Any two staff members are going to have different thoughts about their agency and job and could react differently. No one should be a subject of either intimidation or retaliation by an agency. If it happens from one staff member and is not a major item it's one thing. If it happens repeatedly from the same agency or is not taken care of by a complaint to the person in charge of complaints for the agency, then it is a big problem. I may have intimidated a few staff members but I have not been intimidated by staff members in adult DD services.