

Educational Failure – Who is to Blame?

MSLBD Keynote Presentation 1986

Is it possible for a special education teacher to ignore widely accepted research about effective methods for educating and remediating students with behavioral needs? Is it possible for teachers to intentionally employ harsh punitive practices and other ineffective measures as a part of a classroom for students with emotional disorders, and to have those methods be included in students' IEPs? Can educators be held accountable for not providing successful treatment? Is there a standard of care in education, equivalent to a standard of care in medicine? If so, would serious violations of those standards constitute educational malpractice with the teacher held accountable?



Those questions were to focus of the keynote presentation at the MSLBD Symposium in February 1986: The Case of Tim Rawlings. Parents had sued for \$900,000 damages for malpractice. A judge (Carl Smith), prosecuting attorney (Reece Peterson), and defense attorney (Rich Simpson) heard several witnesses testify



(Tim Rawlings parent, special education teacher, principal, etc.). The audience served as the jury. The audience was randomly

divided into 12 juries -each “sequestered” in breakout rooms to deliberate on the case and return with their verdicts.

This unique format attracted interest across the country. The session was invited to other conferences – the “Adolescents with Behavior Disorders” in Minneapolis (September 1986), the Conference on Children and Adolescents in Conflict, Teachers College Columbia University, New York City (October, 1986), and the Colorado Department of Education Conference on Quality Programming, Denver (March, 1987).

View the video to find out the results of this courtroom drama (While the video is dark, the audio is clear). <https://archive.org/details/Mslbd1986Advocates>.

If a similar case were held today, what do you think the juries would decide?

