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**THE COUNCIL
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March 22, 2007

RE: Status Update of Intro 0396-2006 - Billy's Law Implementation Bill

Dear Colleague:

We write to update you on Intro 396, which mandates the NYC Department of Education to report on the implementation of Billy's Law. This State law, implemented August 2005, requires the monitoring of treatment of disabled NYC students in out-of-state residential facilities.

The torturous treatment of City students at the Judge Rotenberg Center (JRC) in Canton, Massachusetts underscores the necessity of this legislation. JRC is approved by the NYS Department of Education and Board of Regents as a residential facility. The City Department of Education sends children to this facility, where over half of them are subject to Level III Aversives, the most severe kind. Aversives, as defined by the Board of Regents, include: **“noxious, painful, intrusive stimuli...intended to induce pain such as hitting, slapping, pinching, kicking, hurling, strangling ...painful or intrusive spray or inhalant; electric shock; withholding sleep, shelter, bedding, bathroom facilities, clothing, food or drink or essential nutrition or hydration...bathroom facilities, visitation or communication with family; the use of chemical restraints instead of positive programs or medical treatments.”**

As recently as May 2006, State inspectors uncovered these atrocities, uncovering a pervasive culture of abuse and neglect at this location. More twisted examples include:

- Graduated Electronic Decelerator (GED), a creation of the headmaster. This device induces a shock to the wearer and is controlled by the child's "caregiver." JRC is the only school in the country that employs the usage of this "therapy". The GED is worn by some students during a majority of their waking and sleeping hours, including baths and showers. This has resulted in documented cases of severe burns and presents a plausible threat of electrocution.
- JRC's Continent Food and Specialized Food Program has been cited by the State inspectors; it may impose unnecessary risks affecting the normal growth and development and overall nutritional/health status of students.
- Over two-thirds of JRC's mental health aides have attained no more than a basic secondary education. Massachusetts has mandated JRC pay back \$800,000 due to fraudulently charging for "psychologists" not licensed by the state. A request has been made to New York City Comptroller William Thompson, to perform a full investigation and audit, seeking restitution for the same fraudulent billing.

The abuse and neglect did not stop at the use of the GED, hunger abuse, inadequate staff and aversive treatment but also instances of residential abuse. Additionally there are many cases of sexual and physical mistreatment of students at the hands of the staff (see “The Family Alliance To Stop Abuse and Neglect” for examples of residential abuse, unrelated to aversive treatments).

We must demand oversight in monitoring the health and well-being of our City’s most vulnerable students!

In response to these findings, the NYS Board of Regents met frequently over the summer and recently adopted emergency guidelines concerning the administration of aversive therapies. While the intent of the Board was to safeguard these students their recently adopted amendments fall short because they simultaneously **prohibit** and **regulate** the use of aversive behavior. Specifically, Level III Aversives continue to be allowed in a student’s Individualized Education Program, thus undermining the Board’s good intentions.

Given the volume of abuse and neglect at the Judge Rotenberg Center and other facilities housing our City’s disabled students, we urge you to support Introduction 396 and are looking to make the bill even stronger by requiring stricter and more transparent guidelines.

If you would like more information about this proposal, please do not hesitate to contact Joe Mancino of Councilmember Gentile’s office or visit the following websites:

1. [The Family Alliance To Stop Abuse and Neglect](http://www.thefamilyalliance.net/family_stories.htm) advocates for the human and civil rights of people with disabilities. Their site displays numerous accounts of abuse homicide with respect to facilities that New York City currently houses its disabled children in. ****PLEASE NOTE: This site is extremely graphic and contains photos of youth abused at these facilities.****

http://www.thefamilyalliance.net/family_stories.htm

2. [ABC News Primetime](http://abcnews.go.com/Primetime/story?id=2887677&page=1) visited JRC and reporter Cynthia McFadden asked staff to administer a shock to her body from the GED.

<http://abcnews.go.com/Primetime/story?id=2887677&page=1> (Click to Watch Video)

Sincerely,

Vincent Gentile
Council Member

Robert Jackson
Chair, Committee on Education