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For Little Children, Grown-Up Labels As Sexual Harassers

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In his seven years, Randy Castro has been an aspiring soccer player, an accomplished [Lego](#) architect and a Royal Ranger at his Pentecostal church. He also, according to his elementary school record, sexually harassed a first-grade classmate.

During recess at his [Woodbridge](#) school one day in November, when he was 6, he said, he smacked the classmate's bottom. The girl told the teacher. The teacher took Randy to the principal, who told him such behavior was inappropriate. School officials wrote an incident report calling it "Sexual Touching Against Student, Offensive," which will remain on his student record permanently.

Then, as Randy sat in the principal's office, they called the police.

"I thought they were going to take me to prison," Randy said recently. "I was scared."

[Prince William County](#) school officials would not comment on Randy's case, citing student confidentiality. They said the call to police was the result of a misunderstanding.

Randy is only one of many children to be dealt with harshly as schools across the country grapple with enforcing new zero-tolerance sexual harassment policies and the fear of litigation.

The [Virginia Department of Education](#) reported that 255 elementary students were suspended last year for offensive sexual touching, or "improper physical contact against a student." In [Maryland](#), 166 elementary school children were suspended last year for sexual harassment, including three preschoolers, 16 kindergartners and 22 first-graders, according to the [State Department](#) of Education. Statistics for the District were not available.

In 2006, a kindergartner in [Hagerstown](#), Md., was accused of sexual harassment after pinching a female classmate's buttocks. A 4-year-old in [Texas](#) was given an in-school suspension after a teacher's aide accused him of sexual harassment for pressing his face into her breasts when he hugged her.

Ted Feinberg, assistant director of the National Association of School Psychologists in [Bethesda](#), said he had never come across a case of sexual harassment in elementary school in his three decades in the schools. To label somebody a sexual harasser at 6 "doesn't make sense to me," he said. "Kids can be exploratory in behavior, they can mimic what they see on TV."

Randy sat on the lower bunk in his bedroom recently and explained what happened Nov. 26 on the playground at Potomac View Elementary School. Katherine DeLeon, a classmate who regularly came over to play, was kneeling on a bench, talking to friends. He said he saw another boy race over to the girl, whack her on the bottom and run away, giggling and pretending he hadn't done it. He did it twice more, Randy said.

Randy said *he* thought it looked like fun, so he joined in, hitting her and running away twice. "Every time he

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hit her, she laughed," Randy said. "When I hit her, she told the teacher."

Katherine's mother, Margarita DeLeon, who was contacted by school officials shortly after the incident, said that her daughter didn't like being hit but that she quickly forgot about it. "We didn't pay attention to it, because we know it's just children playing around," she said. "He didn't mean anything by it. I'm upset with the school."

Claudia Castro, a preschool teacher in [Alexandria](#), said she was shocked when officials at Randy's school called to say that he was in trouble and that they were calling the police. She later met with the principal and assistant principal. "I told them that what he did was not appropriate. And I have talked to him about it. What I don't understand is how you can make a police report on a 6-year-old. But the principal told me that they were making reports to the police every single day."

The school's incident report, provided to [The Washington Post](#) by Randy's family, says the "police were contacted" after the playground episode. Police arrived after dismissal, when Randy had already gone home. Castro said she shared the story with The Post in the hope of changing school policy.

Days before the incident, at a routine meeting with district officials, principals had been reminded to report threats and assaults to the police. "There was some confusion as to what level of threat and assault we were talking about," said Ken Blackstone, a school system spokesman.

Some officials and students said Potomac View administrators made an announcement that a new district policy required them to inform the police of student misbehavior. But [Blackstone](#) said there was no new policy. After the meeting, he said, principals were confused about when to call police. "As a result, there were too many calls that may not have been necessary because of people wanting to comply with the initial request."

"Some of the calls," Prince William police spokeswoman Ericka Hernandez said, "were about incidents the police did not have to be involved in."

Blackstone pointed to the school district's code of behavior, which states that police may be called for "offenses involving weapons, alcohol/drugs, intentional injury, and other serious violations."

Two school board members declined to comment on the case, and Blackstone would not make the Potomac View principal available for comment.

Mary Kay Sommers, president of the National Association of Elementary School Principals, said suspensions and calls to the police in such cases are overkill. The correct response, she said, would be to explore whether the behavior is linked to abuse and to teach students about respecting peers and what constitutes "good touch" or "bad touch."

"There's no way these children understand what's going on. But it's been taken out of our hands. That's the difficult moral dilemma that we face," Sommers said. She blamed two Supreme Court decisions from the 1990s that enable suits against school districts for failing to stop sexual harassment as well as zero-tolerance policies aimed at middle and high school students that are applied to students as young as 5.

"We need to make sure that we follow the letter of the law, so being reasonable sometimes gets lost," she said.

But Ronald Stephens, executive director of the National School Safety Center, said educators do have some leeway: "Zero tolerance does not mean zero good judgment."

Since November, Randy has been calling himself a "bad boy," his mother said.

Castro said school officials rejected her appeal to remove the sexual harassment incident from Randy's permanent file. And now she worries that they have branded him a troublemaker.

She points to an incident in January when Randy was suspended for three days for verbal "harassment" and inappropriate behavior. According to the principal's incident report, as Randy walked home from school, he told two girls to kiss and asked another student, "Are you gay?" and "Why are you wearing girl's boots?"

Randy and his siblings, who were walking with him that day, dispute the account. They said he teased an older boy and girl about kissing. He said if the boy didn't kiss the girl, it meant he was gay. Randy said he learned the word on TV.

School officials, citing confidentiality, declined to comment on the incident.

Castro agreed that Randy's behavior was inappropriate but worried that he is being too severely scrutinized because of the spanking incident. "My feeling is that they are picking on him," she said.

Castro said she met again with school officials and asked why, if they were concerned about Randy, he wasn't in counseling. "The counselor told me he didn't need it," she said.

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