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Disabled Scout Leader, Council Battle in Court

Charter revoked, Troop disbanded after Titusville woman claims bias

By Jeff Schweers - Florida Today

For years, life in the Rasmussen household has revolved around Scouting. They built Cub Scout and Boy Scout units with boys who left other Troops because they felt mistreated because of their mental and physical disabilities. Both parents were unit leaders, and Palma Rasmussen sat on a Councilwide review board.

But now the Titusville couple find themselves frozen out of Scouting. The Central Florida Council terminated Palma and Keith Rasmussen's memberships and revoked their unit charter, forcing some 30 Scouts to join other area Troops. The church where they conducted their meetings kicked them out.

Palma Rasmussen, who uses a wheelchair most of the time because of various physical ailments, said she and the other families are being retaliated against because of a civil rights lawsuit she filed under the Americans with Disabilities Act against the Central Florida Council. She's asking for compensatory damages, but all she said she really wants is her Troop membership and charter back.

The Central Florida Council has denied violating her rights or failing to accommodate her disabilities. The organization also responded in a counter-claim that she was dismissed from her position and had her membership revoked because she misused Scout funds and didn't follow proper procedures. "We feel her lawsuit has no merits," said Jeff Jonason, president of the Central Florida Council. As a private volunteer organization, he said, the Boy Scouts of America is not subject to the Americans with Disabilities Act. Nonetheless, the organization tries to accommodate those with special needs, he said. "Our intention is to make activities open to all the kids," Jonason said. "It's the outdoors, though, so it can't be 100 percent accessible."

It's now in the hands of the federal courts, and the odds are stacked against the Rasmussens. The courts historically have maintained the Boy Scouts of America's exemptions from federal civil rights laws as a private membership organization. "I think this is crazy," said their daughter, Rebecca, 18. She was president of the unit's Venturing Crew. "I'm hoping we get the justice deserved to us."

Camp nightmare

The Rasmussens first got involved in Scouting eight years ago, when they lived on Staten Island. They moved to Titusville five years ago, after Sept. 11, when terrorists flew two hijacked commercial aircraft into the World Trade Center towers across the bay from their home. They moved because they couldn't handle "living in the shadows of what's not there anymore," Keith Rasmussen said. They got a charter to start a unit in Titusville, and before long, other parents who had children with disabilities started coming to Troop 700. They had learning disabilities, developmental disabilities, behavioral problems, Attention Deficit Disorder and physical disabilities. "They left because they weren't treated well there, and they were treated better here," Palma Rasmussen said. "So this was a refuge."

In January 2003, Palma Rasmussen became a member of the Canaveral District Committee, which oversees the units in central and northern Brevard County and is directly under the Central Florida Council, which oversees 17 units in seven counties. She also became a staff member of the Cub Scout Roundtable Commission until November 2003, when she became a Roundtable commissioner. She served in that position until April 2006.

And then came Camp La-No-Che and the Order of the Arrow event. Palma Rasmussen had been nominated in November 2005 by other leaders in her Troop to be inducted into the Order of the Arrow. According to the Boy Scouts Web site, the Order of the Arrow "recognizes Scouts and Scouters who best

exemplify the Scout Oath and Law in their daily lives." She told her superiors that she had physical disabilities that required certain accommodations so she could participate.

She arrived at Camp La-No-Che on Jan. 13 and the nightmare began for her. She had no access to her wheelchair for roughly 26 hours, and was placed in a room where the doorway was too narrow for her wheelchair. Without her wheelchair she couldn't use the cramped bathroom and shower and was dependent on others to get around in a golf cart.

On the morning of Jan. 14, she was awakened at 6 a.m., helped into a golf cart and taken to a remote picnic area where she waited until 8:30 a.m. for others to arrive and have breakfast. She was then carted to the quartermaster hut, where she said she was left mostly alone for eight hours without any bathroom relief or food and water.

At the campfire ceremony later in the evening, several people hauled her off the golf cart and placed her on a log around a campfire, a difficult and painful position for her since her knees are fused and don't bend. She said she sat there for three hours. Finally, at 9:45 p.m. she was allowed to use her wheelchair again. "Every request she made for an accommodation was met," Jonason said.

Lawsuit filed

On April 10, 2006, Palma Rasmussen was asked to step down from her position on the Roundtable Commission. The Central Florida Council said she had repeatedly failed to follow outlines provided or use appropriate training methods for other leaders. Rasmussen petitioned the Equal Employment Opportunity Commission on Nov. 29, 2006, a year after she was nominated for the Order of the Arrow. The EEOC gave her the go-ahead to sue the Boy Scouts on March 27, 2007. She filed her lawsuit in federal court in June.

Soon afterward, the BSA revoked her membership and that of her husband, an Eagle Scout. They then revoked the unit's charter. In November, Good Shepherd Lutheran Church ordered the Troop off the premises. In hindsight, Palma Rasmussen said, she can see a pattern of refusing to accommodate people with disabilities.

When she wanted to run an accessible day camp for disabled kids in 2004, the leadership was reluctant, but let her do it, she said. She said she had to beg them to let her do it again in 2005, but in 2006 they turned her down. While on the Roundtable Commission, parents with disabled children started asking how to accommodate their special needs. Rasmussen said she asked about literature about disability awareness for the parents but the leaders discouraged her from providing the literature that the BSA puts out on the very topic. "The handbook says the roundtable is for discussing these issues," she said. "They have a disability awareness merit badge."

Rasmussen said the problem lies within the Central Florida Council. In particular, she and other parents say the problem lies with the district's executive, Kevin Litt. Litt said he didn't want to get into personal attacks. "We're here to help boys, not fight amongst adults, and that's what I'm trying to focus on," Litt said. Besides, he said, he asked Palma Rasmussen to be on the Roundtable, and worked with her on the day camp. "Suddenly I don't like disabled people?" he asked.

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