



\$4.75 MILLION SETTLEMENT

Lodi Unified to pay family of student assaulted by bus driver after civil trial jury finds the district liable

By Ross Farrow

NEWS-SENTINEL STAFF WRITER

STOCKTON — The Lodi Unified School District has agreed to a \$4.75 million settlement in the case of a special-needs student who was kidnapped and sexually assaulted by a former bus driver.

The settlement was announced Tuesday in San Joaquin County Superior Court and at a press conference outside the Stockton courthouse by the plaintiffs' attorneys.

A jury unanimously determined that the school district was liable for hiring Richard Dale Evans despite district officials' knowledge that Evans had a misdemeanor conviction for having sex with a prostitute in downtown Stockton.

"(Lodi Unified) didn't check for references," Vince Finaldi, an attorney for the plaintiff, said at the press conference. "They said they relied on intuition."

A \$4.2 million settlement was offered in late October, but Lodi Unified officials and the district's insurance company, Nor Cal Relief, rejected the offer, Finaldi said.

Nor Cal Relief is a self-insurance that is funded by tax dollars from the 330-member public school districts, Lodi Unified Superintendent Cathy Nichols-Washer said in an emailed statement.

"Lodi Unified School District is pleased that Nor Cal

Relief and the plaintiffs in this case have reached a settlement that will provide resources for the family of the student who was harmed," Nichols-Washer said in her emailed statement Tuesday afternoon. "The district regards this situation very seriously."

PLEASE SEE SETTLEMENT, PAGE 8

Attorney Marina Pitts, representing the school district, wasn't immediately available for comment Tuesday.

In a 2011 criminal trial, Evans pleaded guilty to multiple counts of child molestation, including kidnapping and lewd acts on a minor. He received a 25-year prison sentence.

The victim, who was 8 at the time and is now 11, is suffering from fear, anxiety and emotional distress, according to the two-page claim filed in the lawsuit.

The jury in the civil trial determined on Feb. 27 that Lodi Unified was 90 percent liable and Evans 10 percent. The second phase of the trial, to determine how much in damages Evans and the school district should pay the child's family, was scheduled to be completed by the end of the week.

"I think this settlement is the first step in the family's recovery," said Ken Meleyco, another attorney for the plaintiff. "This child needs therapy right away, and with this settlement, she'll get it."

Meleyco and Finaldi said they hope the enormity of the settlement will prompt school district trustees and administrators to change their hiring practices.

Lodi Unified administrators said during the trial that they followed the same procedures for years, Meleyco said. They knew that Evans pleaded guilty to a misdemeanor charge of hav-

ing sex with a prostitute in a potato chip delivery truck in 2000, yet Lodi Unified hired him as a full-time school bus driver in 2004, Meleyco said.

"How that can be is beyond me," Finaldi said. "Something's got to be done in this district."

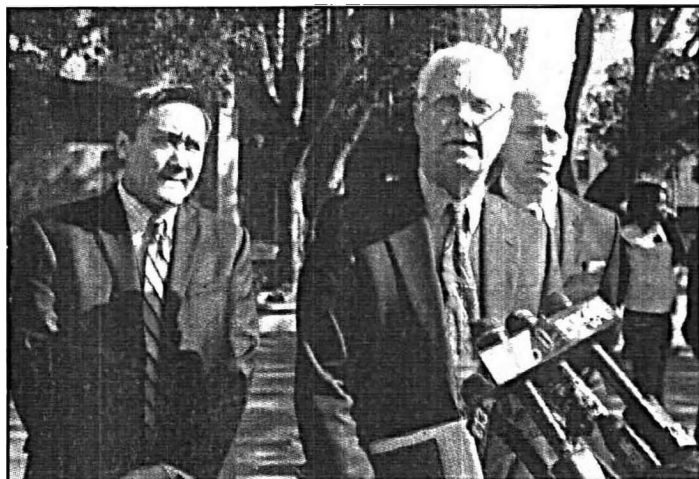
Nichols-Washer was unavailable for comment Tuesday about the possibility of changing board policy.

"The health and safety of our students is the highest priority for Lodi

Unified School District," Nichols-Washer said in her emailed statement. "We understand how important this is to the parents of our community who entrust their children to us each day."

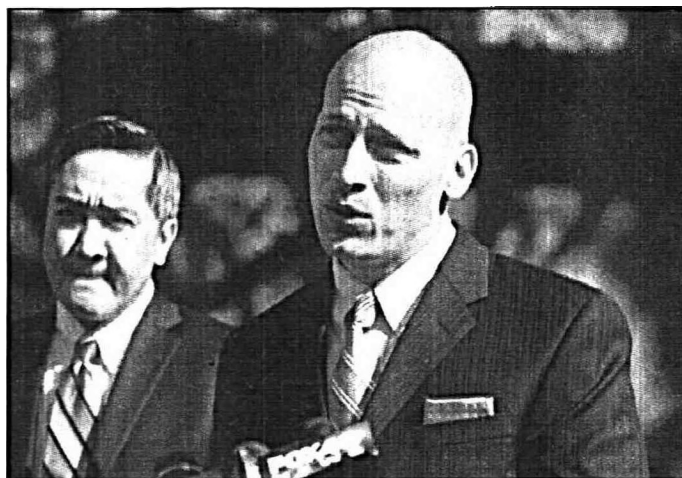
Evans was fired in November 2010 after the girl told her parents about the incidents, Meleyco said. The two incidents, in October and November 2010, were filmed by videotape.

Contact reporter Ross Farrow at rossf@lodinews.com.



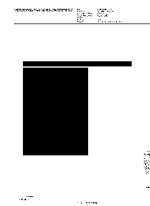
IAN JONSSON/NEWS-SENTINEL

Attorneys Markus Agbulos, left, Kenneth Meleyco, center, and Vince Finaldi give an announcement regarding the settlement reached in a lawsuit against Lodi Unified School District.



IAN JONSSON/NEWS-SENTINEL

Attorney Vince Finaldi gives an announcement regarding the settlement reached in an assault lawsuit against Lodi Unified School District.



LAUSD Settles 58 Teacher Lewd Acts Claims

(AP)—The Los Angeles school district will pay millions of dollars to settle dozens of legal actions stemming from an abuse case in which a former teacher is charged with lewd acts on children in his classroom over five years, district officials said yesterday.

General Counsel David Holmquist said the settlement will cover 58 of the 191 claims and lawsuits filed against the district after the January 2012 arrest of former third-grade teacher Mark Berndt on 23 charges of lewd behavior at Miramonte Elementary School.

Holmquist would not specify the exact amount until the settlement is approved by a judge. He described it only as double-digit millions.

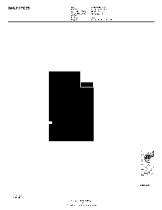
Prosecutors say Berndt played “tasting games” with students in which he fed them his semen on cookies and by spoon, sometimes blindfolding and photographing them. Berndt, who taught for 32 years at the South Los Angeles school, has pleaded not guilty in the criminal case.

The allegations came to light when a drugstore photo technician noticed dozens of odd photos of blindfolded children and reported them to authorities. Investigators said they found a plastic spoon in Berndt’s classroom trash bin that was found to contain traces of semen.

The case led to a wide-ranging overhaul of how the nation’s second largest school district handles allegations of sexual abuse after it was revealed that previous complaints about Berndt’s behavior were ignored.

It also shined a light on how slowly state officials act to censure teachers and led to a flurry of allegations of teacher-student sex abuse in the district and in other school systems.

Date: Wednesday, March 13, 2013
Frequency: Daily
Circulation: 25059
Clip Size: 7.38 sq. inches
Ad Rate: \$N/A
Page/Section: 0001: LA

**CALIFORNIA****LA schools settle
teacher lewdness claims**

LOS ANGELES • Attorneys say the Los Angeles Unified School District has reached settlements in 58 legal claims stemming from alleged lewd acts by two elementary school teachers.

Most of the claims allege a third-grade teacher spoon-fed semen to students in what he called “tasting games.”

Attorney Raymond Boucher, who represents several Miramonte Elementary School students, said each claimant will receive about \$470,000. He would not release the actual sum until it is approved by a judge.



LA schools settle 58 teacher lewd acts claims

By Christina Hoag

Associated Press

LOS ANGELES — Attorneys say the Los Angeles Unified School District has reached settlements in 58 legal claims stemming from alleged lewd acts by two elementary school teachers.

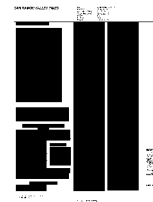
Most of the claims allege a third-grade teacher spoon-fed semen to students in what he called “tasting games.”

Attorney Raymond Boucher,

who represents several Mira-monte Elementary School students, said each claimant will receive \$470,000. He would not release the actual sum until it is approved by a judge.

The claims arose from an investigation of a teacher who is now charged with committing lewd acts in his classroom over five years.

The deal would only settle a portion of the 191 pending claims.



STUDENT SAFETY

Bills target school abuse

Measures aim to reinforce reporting laws, make it easier to remove abusive teachers

By Theresa Harrington and Matthias Gafni
Staff writers

SACRAMENTO — With local school districts failing time and again to recognize and report suspected child abuse, an East Bay assemblywoman is introducing legislation to beef up training of school employees and give administrators more power to remove abusive teachers.

Assemblywoman Joan Buchanan, D-Alamo, cited the extensive reporting on the problems from the Bay Area News Group as she announced Tuesday the introduction of a pair of bills aimed at shoring up gaps in current law. Exact language of the bills has not been finalized.

"It is clear from the work of (this newspaper

See **REPORTING**, Page 6

in investigating this problem, as well as our own re

search, that legislation is needed," Buchanan said in an email to Bay Area News Group, which recently published a survey of 94 districts' child abuse reporting practices, showing that many did not adequately train employees.

In recent months, horrifying incidents of school abuse — and districts' repeated failures to respond appropriately — have emerged around the Bay Area. A San Jose principal was found guilty late last year of failure to report suspicions of abuse to authorities as state law requires, the first school official in the state to be convicted.

One of Buchanan's bills, AB1338, would require all districts to adopt board policies outlining child abuse reporting responsibilities and require them to review those policies with all employees each year. A second bill, AB375, would give school districts the ability to immediately remove teachers from classrooms in child abuse cases and would allow school districts to dismiss such teachers any time during the year.

A youth law expert said Buchanan's child abuse reporting bill is a "step in the right direction," but he said board policies are not the only problem.

"Current law already requires that teachers sign a statement acknowledging their duty to report suspected abuse," said William Grimm, senior attorney at Oakland's National Center for Youth Law. "A large part of the problem is the district's failure to provide training that helps school staff understand what should be reported. Until training is mandated for all school staff, there will continue to be victims whose suffering goes unreported."

In response to the news

group survey, fewer than half the districts in Alameda, Contra Costa, San Mateo and Santa Clara counties that responded to the survey said they offer employees the type of training that experts encourage and the law suggests: annual instruction in recognizing signs of sexual or other physical abuse and reminders of the legal requirement to report to authorities any suspicion of mistreatment.

Survey results underscored that vagueness in the law has exacerbated districts' failings, and at least 19 districts reported practices that run counter to the letter or intent of the law.

Only 29 districts said they have provided annual training about abuse and the law to all employees. Current law "strongly encourages" training without saying how often it should be provided, but experts agree it should be frequent.

Buchanan's efforts to address teacher discipline and dismissal may prove to be the most controversial part of her package. Past efforts to alter the law and streamline the process have failed amid strong union opposition, with Buchanan and others voting down legislation last year.

The issue resurfaced recently after a Brentwood special education teacher was convicted of child abuse and then transferred to another teaching position.

After this newspaper revealed the district paid a \$950,000 settlement to the family of the 5-year-old special needs student who was kicked, the community protested, and district officials apologized for their handling of the teacher. The

superintendent was eventually fired, and the teacher's credentials were revoked.

Carol Carillo, executive director of the Child Abuse Prevention Council of Contra Costa County, praised Buchanan's bills but said the state also needs to provide additional money to child welfare departments so they can follow up on increased child abuse reports.

"Unless this legislation has some funding to help that process," she said, "then it isn't going to really benefit children in the long run."

The teacher dismissal bill has competing legislation from State Sen. Alex Padilla, D-Pacoima, who introduced Senate Bill 10 after a similar bill was shot down

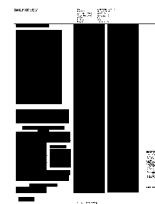
last year in the Assembly education committee, with Buchanan voting against it.

California Teachers Association spokesman Mike Myslinski said the union hasn't yet determined its positions on the bills.

State Superintendent of Public Instruction Tom Torlakson, who could not be reached Tuesday, conducted his own statewide survey and has promised to support legislation in the wake of the news group's reporting.



Buchanan



STUDENT SAFETY

Bills target school abuse

ONLINE EXTRA

Measures aim to reinforce
reporting laws, make it easier
to remove abusive teachers

SACRAMENTO — With local school districts failing time and again to recognize and report suspected child abuse, an East Bay assemblywoman is introducing legislation to beef up training of school employees and give administrators more power to remove abusive teachers.

Assemblywoman Joan Buchanan, D-Alamo, cited the extensive reporting on the problems from the Bay Area News Group as she announced Tuesday the introduction of a pair of bills aimed at shoring up gaps in current law. Exact language of the bills has not been finalized.

"It is clear from the work of (this newspaper

By Theresa Harrington and Matthias Gafni

© 2013 DAILY REVIEW
All Rights Reserved.

Staff writers

How well does your district train teachers about mandatory reporting?

Survey results at www.mercurynews.com/education.

See **REPORTING**, Page 6

in investigating this problem, as well as our own research, that legislation is needed," Buchanan said in an email to Bay Area News Group, which recently published a survey of 94 districts' child abuse reporting practices, showing that many did not adequately train employees.

In recent months, horrifying incidents of school abuse — and districts' repeated failures to respond appropriately — have emerged around the Bay Area. A San Jose principal was found guilty late last year of failure to report suspicions of abuse to authorities as state law requires, the first school official in the state to be convicted.

One of Buchanan's bills, AB1338, would require all districts to adopt board policies outlining child abuse reporting responsibilities and require them to review those policies with all employees each year. A second bill, AB375, would give

school districts the ability to immediately remove teachers from classrooms in child abuse cases and would allow school districts to dismiss such teachers any time during the year.

A youth law expert said Buchanan's child abuse reporting bill is a "step in the right direction," but he said board policies are not the only problem.

"Current law already requires that teachers sign a statement acknowledging their duty to report suspected abuse," said William Grimm, senior attorney at Oakland's National Center for Youth Law. "A large part of the problem is the district's failure to provide training that helps school staff understand what should be reported. Until training is mandated for all school staff, there will continue to be victims whose suffering goes unreported."

In response to the news group survey, fewer than half the districts in Alameda, Contra Costa, San Mateo and Santa Clara counties that responded to the survey said they offer employees the type of training that experts encourage and the law suggests: annual instruction in recognizing

signs of sexual or other physical abuse and reminders of the legal requirement to report to authorities any suspicion of mistreatment.

Survey results underscored that vagueness in the law has exacerbated districts' failings, and at least 19 districts reported practices that run counter to the letter or intent of the law.

Only 29 districts said they have provided annual training about abuse and the law to all employees. Current law "strongly encourages" training without saying how often it should be provided, but experts agree it should be frequent.

Buchanan's efforts to address teacher discipline and dismissal may prove to be the most controversial part of her package. Past efforts to alter the law and streamline the process have failed amid strong union opposition, with Buchanan and others voting down legislation last year.

The issue resurfaced recently after a Brentwood special education teacher was convicted of child abuse and then transferred to another teaching position.

After this newspaper revealed the district paid

a \$950,000 settlement to the family of the 5-year-old special needs student who was kicked, the community protested, and district officials apologized for their handling of the teacher. The superintendent was eventually fired, and the teacher's credentials were revoked.

Carol Carillo, executive director of the Child Abuse Prevention Council of Contra Costa County, praised Buchanan's bills but said the state also needs to provide additional money to child welfare departments so they can follow up on increased child abuse reports.

"Unless this legislation has some funding to help that process," she said, "then it isn't going to really benefit children in the long

run."

The teacher dismissal bill has competing legislation from State Sen. Alex Padilla, D-Pacoima, who introduced Senate Bill 10 after a similar bill was shot down last year in the Assembly education committee, with Buchanan voting against it.

California Teachers Association spokesman Mike Myslinski said the union hasn't yet determined its positions on the bills.

State Superintendent of Public Instruction Tom Torlakson, who could not be reached Tuesday, conducted his own statewide survey and has promised to support legislation in the wake of the news group's reporting.



Buchanan



Families reach settlement in Miramonte sex-abuse case

Victims may receive between \$400,000 and \$500,000

CITY NEWS SERVICE

The Los Angeles Unified School District announced it has settled 58 legal claims alleging sexual abuse of students at Miramonte Elementary School in South Los Angeles.

The district described the settlements as a multimillion-dollar deal, but declined to provide an exact figure until the amounts were approved in court.

NBC4 reported that the settlements ranged from about \$400,000 to \$500,000 for each plaintiff.

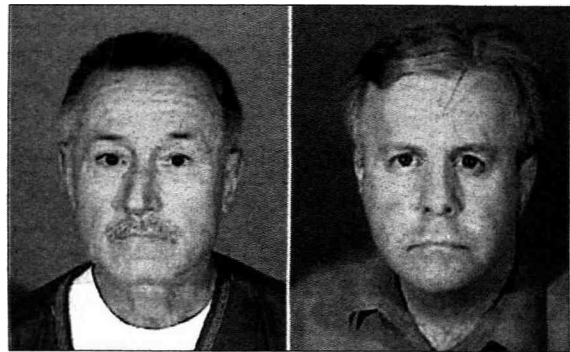
The settlements announced resolve only a portion of the roughly 190 lawsuits and legal claims against the district stemming from abuse allegations at Miramonte.

Former Miramonte teacher Mark Berndt is accused of carrying out most of the abuse. He is awaiting trial on nearly two dozen counts of lewd acts with children. He allegedly took photos of children with semen-tainted spoons or cookies held to their mouths.

Another former Miramonte teacher, Martin Springer, is awaiting trial on three felony counts of lewd acts with a child.

Some attorneys representing former students and Miramonte parents are continuing to press their legal actions against the district.

Attorney Luis Carrillo said the district has not made any "fair" settlement offers to his clients. He noted that a forensic psychologist for the plaintiffs has opined that the children will need about \$576,000 just to cover the cost of treatment for post-traumatic stress disorder and eating disorders. Carrillo



Mark Berndt and Martin Springer

also said the district has not responded to 11 proposals for improving the safety of children.

District officials have said previously they were working to settle the cases. While those talks were continuing, a hold had been put on pending lawsuits, but a Los Angeles Superior Court judge in December lifted the stay after attorneys complained that the district was not making realistic offers to settle the cases.

Former state Supreme Court Judge Cruz Reynoso was acting as a mediator in the settlement talks.

The alleged abuses by teacher Mark Berndt occurred from 2002-11, and LAUSD officials knew as early as the 1990-91 school year that he was involved in sexual misconduct, according to the lawsuits.

District officials, while not commenting on specific lawsuits, have repeatedly insisted that it was committed to providing a safe environment for students and conducted a major review of how it handles abuse allegations.

"Appropriately addressing misconduct continues to remain a top priority," LAUSD General Counsel David Holmquist said in January. "That is why we have continually engaged in extensive internal and external reviews of our policies and practices, including actively participating in the comprehensive state audit of the school district's policies and practices that was released in 2012."

mm



STUDENT SAFETY

Bills target school abuse

Measures aim to reinforce reporting laws, make it easier to remove abusive teachers

By Theresa Harrington and Matthias Gafni

Staff writers

SACRAMENTO — With local school districts failing time and again to recognize and report suspected child abuse, an East Bay assemblywoman is introducing legislation to beef up training of school employees and give administrators more power to remove abusive teachers.

Assemblywoman Joan Buchanan, D-Alamo, cited the extensive reporting on the problems from the Bay Area News Group as she announced Tuesday the introduction of a pair of bills aimed at shoring up gaps in current law. Exact language of the bills has not been finalized.

"It is clear from the work of (this newspaper)

See **REPORTING**, Page 6

in investigating this problem, as well as our own research, that legislation is needed," Buchanan said in an email to Bay Area News Group, which recently published a survey of 94 districts' child abuse reporting practices, showing that many did not adequately train employees.

In recent months, horrifying incidents of school abuse — and districts' repeated failures to respond appropriately — have emerged around the Bay

Area. A San Jose principal was found guilty late last year of failure to report suspicions of abuse to authorities as state law requires, the first school official in the state to be convicted.

One of Buchanan's bills, AB1338, would require all districts to adopt board policies outlining child abuse reporting responsibilities and require them to review those policies with all employees each year. A second bill, AB375, would give school districts the ability to immediately remove teachers from classrooms in child abuse cases and would allow school districts to dismiss such teachers any time during the year.

A youth law expert said Buchanan's child abuse reporting bill is a "step in the right direction," but he said board policies are not the only problem.

"Current law already requires that teachers sign a statement acknowledging their duty to report suspected abuse," said William Grimm, senior attorney at Oakland's National Center for Youth Law. "A large part of the problem is the district's failure to provide training that helps school staff understand what should be reported. Until training is mandated for all school staff, there will continue to be victims whose suffering goes unreported."

In response to the news group survey, fewer than half the districts in Alameda, Contra Costa, San Mateo and Santa Clara counties that responded to the survey said they offer employees the type of training that experts encourage and the law suggests: annual instruction in recognizing signs of sexual or other physical abuse and reminders of the legal requirement to report to authorities any suspicion of mistreatment.

Survey results underscored that vagueness in the law has exacerbated districts' failings, and at least 19 districts reported practices that run counter to the letter or intent of the law.

Only 29 districts said they have provided annual training about abuse and the law to all employees. Current law "strongly encourages" training without saying how often it should be provided, but experts agree it should be frequent.

Buchanan's efforts to address teacher discipline and dismissal may prove to be the most controversial part of her package. Past efforts to alter the law and streamline the process have failed amid strong union opposition, with Buchanan and others voting down legislation last year.

The issue resurfaced recently after a Brentwood special education teacher was convicted of child abuse and then transferred to another teaching position.

After this newspaper revealed the district paid a \$950,000 settlement to the family of the 5-year-old special needs student who was kicked, the community protested, and district officials apologized for their handling of the teacher. The superintendent was eventually fired, and the teacher's credentials were revoked.

Carol Carillo, executive director of the Child Abuse Prevention Council of Contra Costa County, praised Buchanan's bills but said the state also needs to provide additional money to child welfare departments so they can follow up

on increased child abuse reports.

“Unless this legislation has some funding to help that process,” she said, “then it isn’t going to really benefit children in the long run.”

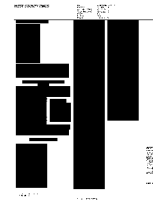
The teacher dismissal bill has competing legislation from State Sen. Alex Padilla, D-Pacoima, who introduced Senate Bill 10 after a similar bill was shot down last year in the Assembly education committee, with Buchanan voting against it.

California Teachers Association spokesman Mike Myslinski said the union hasn’t yet determined its positions on the bills.

State Superintendent of Public Instruction Tom Torlakson, who could not be reached Tuesday, conducted his own statewide survey and has promised to support legislation in the wake of the news group’s reporting.



Buchanan



STUDENT SAFETY

Bills target school abuse

Measures aim to reinforce reporting laws, make it easier to remove abusive teachers

By Theresa Harrington and Matthias Gafni

Staff writers

SACRAMENTO — With local school districts failing time and again to recognize and report suspected child abuse, an East Bay assemblywoman is introducing legislation to beef up training of school employees and give administrators more power to remove abusive teachers.

Assemblywoman Joan Buchanan, D-Alamo, cited the extensive reporting on the problems from the Bay Area News Group as she announced Tuesday the introduction of a pair of bills aimed at shoring up gaps in current law. Exact language of the bills has not been finalized.

"It is clear from the work of (this newspaper

See **REPORTING**, Page 6

in investigating this problem, as well as our own research, that legislation is needed," Buchanan said in an email to Bay Area News Group, which recently published a survey of 94 districts' child abuse reporting practices, showing that many did not adequately train employees.

In recent months, horrifying incidents of school abuse — and districts' repeated failures to respond appropriately — have

emerged around the Bay Area. A San Jose principal was found guilty late last year of failure to report suspicions of abuse to authorities as state law requires, the first school official in the state to be convicted.

One of Buchanan's bills, AB1338, would require all districts to adopt board policies outlining child abuse reporting responsibilities and require them to review those policies with all employees each year. A second bill, AB375, would give school districts the ability to immediately remove teachers from classrooms in child abuse cases and would allow school districts to dismiss such teachers any time during the year.

A youth law expert said Buchanan's child abuse reporting bill is a "step in the right direction," but he said board policies are not the only problem.

"Current law already requires that teachers sign a statement acknowledging their duty to report suspected abuse," said William Grimm, senior attorney at Oakland's National Center for Youth Law. "A large part of the problem is the district's failure to provide training that helps school staff understand what should be reported. Until training is mandated for all school staff, there will continue to be victims whose suffering goes unreported."

In response to the news group survey, fewer than half the districts in Alameda, Contra Costa, San Mateo and Santa Clara counties that responded to the survey said they offer employees the type of training that experts encourage and the law suggests: annual instruction in recognizing signs of sexual or other physical abuse and reminders of the legal requirement to report to authorities any

suspicion of mistreatment.

Survey results underscored that vagueness in the law has exacerbated districts' failings, and at least 19 districts reported practices that run counter to the letter or intent of the law.

Only 29 districts said they have provided annual training about abuse and the law to all employees. Current law "strongly encourages" training without saying how often it should be provided, but experts agree it should be frequent.

Buchanan's efforts to address teacher discipline and dismissal may prove to be the most controversial part of her package. Past efforts to alter the law and streamline the process have failed amid strong union opposition, with Buchanan and others voting down legislation last year.

The issue resurfaced recently after a Brentwood special education teacher was convicted of child abuse and then transferred to another teaching position.

After this newspaper revealed the district paid

a \$950,000 settlement to the family of the 5-year-old special needs student who was kicked, the community protested, and district officials apologized for their handling of the teacher. The superintendent was eventually fired, and the teacher's credentials were revoked.



Buchanan

Carol Carillo, executive director of the Child Abuse Prevention Council of Contra Costa County, praised Buchanan's bills but said

the state also needs to provide additional money to child welfare departments so they can follow up on increased child abuse reports.

"Unless this legislation has some funding to help that process," she said, "then it isn't going to really benefit children in the long run."

The teacher dismissal bill has competing legislation from State Sen. Alex Padilla, D-Pacoima, who introduced Senate Bill 10 after a similar bill was shot down last year in the Assembly education committee, with Buchanan voting against it.

California Teachers Association spokesman Mike Myslinski said the union hasn't yet determined its positions on the bills.

State Superintendent of Public Instruction Tom Torlakson, who could not be reached Tuesday, conducted his own statewide survey and has promised to support legislation in the wake of the news group's reporting.



STUDENT SAFETY

Bills target school abuse

Measures aim to reinforce reporting laws, make it easier to remove abusive teachers

By Theresa Harrington and Matthias Gafni
Staff writers

SACRAMENTO — With local school districts failing time and again to recognize and report suspected child abuse, an East Bay assemblywoman is introducing legislation to beef up training of school employees and give administrators more power to remove abusive teachers.

Assemblywoman Joan Buchanan, D-Alamo, cited the extensive reporting on the problems from the Bay Area News Group as she announced Tuesday the introduction of a pair of bills aimed at shoring up gaps in current law. Exact language of the bills has not been finalized.

"It is clear from the work of (this newspaper

in investigating this problem, as well as our own research, that legislation is needed," Buchanan said in an email to Bay Area News Group, which recently published a survey of 94 districts' child abuse reporting practices, showing that many did not adequately train employees.

In recent months, horrifying incidents of school abuse — and districts' repeated failures to respond appropriately — have emerged around the Bay Area. A San Jose principal was found guilty late last year of failure to report suspicions of abuse to authorities as state law requires, the first school official in the state to be convicted.

One of Buchanan's bills, AB1338, would require all districts to adopt board policies outlining child abuse reporting responsibilities and require them to review those policies with all employees each year. A second bill, AB375, would give school districts the ability to immediately remove teachers from classrooms in child abuse cases and would allow school districts to dismiss such teachers any time during the year.

A youth law expert said Buchanan's child abuse reporting bill is a "step in the right direction," but he said board policies are not the only problem.

"Current law already requires that teachers sign a statement acknowledging their duty to report suspected abuse," said William Grimm, senior attorney at Oakland's National Center for Youth Law. "A large part of the problem is the district's failure to provide training that helps school staff understand what should be reported. Until training is mandated for all school staff, there will continue to be victims whose

suffering goes unreported."

In response to the news group survey, fewer than half the districts in Alameda, Contra Costa, San Mateo and Santa Clara counties that responded to the survey said they offer employees the type of training that experts encourage and the law suggests: annual instruction in recognizing signs of sexual or other physical abuse and reminders of the legal requirement to report to authorities any suspicion of mistreatment.

Survey results underscored that vagueness in the law has exacerbated districts' failings, and at least 19 districts reported practices that run counter to the letter or intent of the law.

Only 29 districts said they have provided annual training about abuse and the law to all employees. Current law "strongly encourages" training without saying how often it should be provided, but experts agree it should be frequent.

Buchanan's efforts to address teacher discipline and dismissal may prove to be the most controversial part of her package. Past efforts to alter the law and streamline the process have failed amid strong union opposition, with Buchanan and others voting down legislation last year.

The issue resurfaced recently after a Brentwood special education teacher was convicted of child abuse and then transferred to another teaching position.

After this newspaper revealed the district paid a \$950,000 settlement to the family of the 5-year-old special needs student who was kicked, the community protested, and district of-

ONLINE EXTRA

How well does your district train teachers about mandatory reporting? Survey results at www.mercurynews.com/education.

See **REPORTING**, Page 3

ficials apologized for their handling of the teacher. The superintendent was eventually fired, and the teacher's credentials were revoked.

Carol Carillo, executive director of the Child Abuse Prevention Council of Contra Costa County, praised Buchanan's bills but said the state also needs to provide additional money to child welfare departments so they can follow up on increased child abuse reports.

"Unless this legislation has some funding to help that process," she said, "then it isn't going to really benefit children in the long run."

The teacher dismissal bill has competing legislation from State Sen. Alex Padilla, D-Pacoima, who introduced Senate Bill 10 after a similar bill was shot down last year in the Assembly education committee, with Buchanan voting against it.

California Teachers Association spokesman Mike Myslinski said the union hasn't yet determined its positions on the bills.

State Superintendent of Public Instruction Tom Torlakson, who could not be reached Tuesday, conducted his own statewide survey and has promised to support legislation in the wake of the news group's reporting.



Buchanan



School-abuse case allegations widen

Attorneys for alleged victims say district officials failed to take action against teacher.

By HOWARD BLUME

Incidents of alleged child abuse by a teacher at a Wilmington elementary school were known beyond a principal who was removed for failing to report them, a parent and attorneys who represent alleged victims said Thursday.

The attorneys, who have filed claims in connection with the alleged abuse, said at a news conference that two high-ranking Los Angeles Unified School District officials were made aware of concerns about Robert Pimentel at George de la Torre Jr. Elementary School in 2009.

Pimentel, 57, is charged with sexual misconduct involving 12 children under the age of 14. Fourteen felony counts involve alleged abuse that occurred between Sep-

tember 2011 and mid-March 2012. Two additional counts date back to years earlier. He has pleaded not guilty and remains in jail in lieu of \$12 million bail.

Shortly after Pimentel's January arrest, L.A. schools Supt. John Deasy said De La Torre principal Irene L. Hinojosa had been aware of allegations against Pimentel in 2002 and 2008. She apparently never reported these

allegations, and that was a major factor in her removal, Deasy said.

Both Pimentel and Hinojosa resigned as the district was preparing to fire them last year.

The employees under

new scrutiny are Holly Priebe-Diaz, an intervention coordinator, and Linda Del Cueto, who currently oversees instructional programs in the San Fernando Valley.

In 2009, Del Cueto was one of eight top regional administrators in L.A. Unified.

Attorneys said both were involved in mediation in 2009 to ease tensions at the school over numerous issues.

District officials confirmed Thursday that a mediation session took place in 2009, but they had nothing to say about who was present

[See School, AA4] or whether abuse allegations were made, citing ongoing internal and police investigations. Priebe-Diaz and Del Cueto did not return telephone calls or emails seeking comment.

During the mediation, one parent alleged that Pimentel had touched her daughter inappropriately and that the principal had refused to follow up, said attorney Luis Carrillo.

That parent and another claim that either Priebe-Diaz or Del Cueto was taking notes at the time, he said.

"It's logical to assume those notes are turned into reports," said Carrillo, speaking outside district headquarters. Such reports should have gone "to the highest levels of the LAUSD." He added: "All the big shots in this building failed to protect the children and covered up child abuse when it occurred."

In a recent interview, Magdalena Gonzalez, the

second parent cited by Carrillo, said the mediators heard specific allegations against Pimentel. They were told that he had pulled on a girl's bra strap and that he would playfully spank girls in class, Gonzalez said.

School employees are required by law to report allegations of sexual misconduct to police. They also are supposed to report such issues to their supervisors, according to school district policy. Allegations of failure to report sexual misconduct are part of the ongoing police investigation, the L.A. Police Department said.

Carrillo represents three clients who have filed damage claims related to Pimentel.

Another attorney with clients from De La Torre, John Manly, said he too is aware of witnesses who have corroborated Carrillo's claims about Priebe-Diaz and Del Cueto.

Both attorneys also have clients who are part of litigation over alleged abuse of students at Miramonte Elementary School in South L.A. They declined to participate in a recent \$30-million settlement of 58 claims of lewd conduct involving former Miramonte teacher Mark Berndt.

Berndt has pleaded not guilty to 23 charges of lewd conduct and remains in jail in lieu of \$23 million bail.

howard.blume
@latimes.com

Times staff writers Richard Winton and Adolfo Flores contributed to this report.