

CALIFORNIA COURT RULES STUDENTS MAY SUE DISTRICT



In a unanimous decision the California Supreme Court has ruled that former Southern California high school student, identified only as C.A., can sue his school district, the William S. Hart Union High School District in Los Angeles County, for negligence in hiring a guidance counselor who allegedly sexually abused him. The youth alleges in his lawsuit against counselor Roselyn Hubbell that she used her position of authority and trust to force him to engage in sexual activities ranging from massages to intercourse for an eight-month period in 2007. The decision reversed trial and appellate court decisions upholding the dismissal of the 2007 lawsuit filed by the unidentified student. Whereas the William S. Hart Union High School District declined responsibility contending that administrator responsibility was for the overall school and not individual students, justices said administrators have a duty to protect children. Justice Kathryn Werdegar, in her ruling wrote, “The duty of care owed by school personnel includes the duty to use reasonable measures to protect students from foreseeable injury at the hands of third parties acting negligently or intentionally”. She added that the youth was entitled to a trial on the suit since the school districts have a special duty of care toward students, saying that the relationship arises from “the mandatory character of school attendance and the comprehensive control over students exercised by school personnel”. As per the court, a student would have to provide concrete evidence that district officials had reason to know that an employee posed a risk to students. A trial to be held in Los Angeles County Superior Court will determine whether the school was in fact negligent. “We are disappointed with the Court’s decision, but this case is at an early, allegations stage”, attorney for the school district Steve Harber said in a written statement to The Associated Press. “It is one thing to make allegations; it is another to establish facts. When the true facts come out, they will show that the district appropriately screens its teachers and counselors and that the alleged perpetrator here was found out, arrested and prosecuted because of the district’s vigilance”. Harber said that the decision, which only allows the lawsuit to go forward without addressing the truth of its claims, creates wider concerns regarding the potential exposure of individual administrators to negligence lawsuits in hiring and supervision, in spite of the veracity of the claims. Martha Escutia, a lawyer who is representing nearly 20 students at Miramonte Elementary School, says, “This is a great victory for victims. It’s a common sense decision.”

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