

Disabled students sue Pomona Unified in what they hope becomes a class action lawsuit

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POMONA >> Pomona Unified School District fails to “provide a safe learning environment for its most vulnerable students: those with developmental disabilities such as autism and intellectual disabilities,” according to a [lawsuit filed Monday](#).

The suit was [first filed in October](#), but attorneys for the [Disability Rights Legal Center](#) are hoping to broaden the suit into a class action lawsuit, and filed a motion Monday to certify the suit as a class action in U.S. District Court for the Central District of California.

“PUSD fails to ensure that staff working with these students are properly trained or supervised,” the suit reads in part, “and fails to maintain procedures to provide prompt and accurate reporting of student injuries to district administration and parents. As a result, these students are systematically excluded from access to a public education.”

The suit alleges six students with autism or other intellectual disabilities have incurred serious and unusual injuries at school but school officials “either could not or would not” adequately explain what happened, and the students themselves have difficulty communicating themselves.

Pomona Unified officials did not respond to a request for comment.

“J.V. was first injured in 2012, when he came home from school with a black eye,” the suit reads in part. His mother was reportedly unable to get an explanation of what happened to her son. More injuries occurred over the next two years, including serious bruising and puncture wounds. A tooth cracked and fell out.

Since filing in October, the Disability Rights Legal Center has heard from more parents of severely disabled children in Pomona Unified, all of whom reported “strikingly similar cases,” according to Elizabeth Eubanks, Inland Empire regional director of the center.

“In one situation, we had a mother take her son to the doctor who said (her son’s injuries) were not the result of a simple fall,” she said. “He actually had one long bruise across both of his buttocks, like it was one long pole or one long stick.”

The motion is scheduled to be heard before Judge John Kronstadt in U.S. District Court in Los Angeles on Aug. 29. But Eubanks suspects Kronstadt won’t make a decision on class status until later this fall.

Why a class action

Getting the suit certified as a class action will give the plaintiffs more leverage, she said.

“It allows us to receive the more systemic relief that we really want to see,” Eubanks said. “With two plaintiffs, we can ask for those things, but the school district’s position will be ‘With two plaintiffs, this is an isolated thing.’ ”

It’ll also make it easier for more families to come forward, as they won’t have to file their own lawsuits.

“If there’s other families with children with developmental disabilities who’ve been injured, they can sign on as class members,” Eubanks said. “Their identities won’t be hidden, but there will be more people in the crowd.”

According to the suit, there were 667 students districtwide considered autistic or intellectually disabled as of December 2014.

In October, the district released a press release saying that they “care deeply about each one of our students, including our students with special needs, and remain steadfastly dedicated to ensuring their safety and well-being, and take very seriously any allegation against Pomona Unified staff and have zero tolerance for misconduct that violates the trust and safety of our students and families.”

Because the allegations touched on an open investigation, Darren Knowles, Pomona Unified’s assistant superintendent of human resources, was quoted as saying in the October press release, “We cannot comment further at this time.”

The case is set for trial in summer 2017.