

**AUTISTIC STUDENT AND HIS MOTHER SUE LANSING SCHOOL DISTRICT,
DISTRICT OFFICIALS & SPECIAL ED TEACHER LESTER DUVALL**

***Complaint in U.S. District Court Details Significant Pattern of Student Maltreatment
By Tenured Educator and Decades of Cover Ups By District Officials***

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November 2, 2015, Lansing, MI - A 13-year old Lansing boy and his mother filed a lawsuit against Lansing School District (LSD) and several of its top administrators in U.S. District Court for the Western District of Michigan today. The Complaint asserts former tenured LSD special education teacher Lester Duvall abused students with the district's full knowledge for more than a decade before he attacked and seriously injured the young plaintiff in 2014.

Jennifer Garza and her son, referred to in court documents as "C.G.," are represented in the matter by Peter W. Alfert, of Hinton Alfert & Kahn, in Walnut Creek, CA, and Todd Boley and Zoya Yarnykh of Boley Law in Alameda, CA, two firms that have successfully represented many special needs students and their families across the U.S. in connection with physical and emotional abuse in the classroom; and Michael L. Pitt, Megan A. Bonanni and Rachael E. Kohl of Pitt McGehee & Rivers, PC, Royal Oak, MI, one of the largest and most experienced employment and civil rights law firms in Michigan.

In addition to the Lansing School District and Duvall, the suit names Yvonne Caamal Canul, superintendent of LSD; Connie Nickson, principal of LSD's Gardner Leadership, Law & Government Academy; Tracey Keyton, assistant principal at Gardner; Martin Alwardt, LSD's Director of Special Education for Elementary & Preschool Programs; Sheryl Bacon, principal of Beekman Center; Troy Scott, human resources director of LSD; Edna Robinson, LSD's special education supervisor for middle and high school program and Bacon's successor as principal of Beekman; and 30 as yet unidentified individuals as defendants.

The complaint alleges that in October 2014, Duvall viciously assaulted C.G., grabbing him by the arm and throwing him to the floor and into a bookcase with such force the boy suffered a concussion and sustained numerous large bruises, including a black eye. The suit asserts the attack was consistent with Duvall's classroom management approach known to LSD, which included frequently and inappropriately restraining and abusively disciplining C.G. and other special education students.

The complaint alleges that as early as 2003, LSD employees complained that Duvall used excessive force on students, leading one aide to tell the District, "Duvall needs to be removed! He's a potential danger to students." Over the years, numerous teachers and outside agencies reported that Duvall slapped students, slammed them into walls and tables, force fed them, and held one student's head under water. LSD administrators ignored complaints from other teachers that Duvall was a "toxic presence" and had "an anger issue."

The complaint also alleges that LSD did nothing to prevent Duvall from abusing other students. It also notes that after retiring from LSD, Bacon destroyed the complaints she had received about Duvall's abuse of students at Beekman Center, and did not investigate them during her tenure as principal of the school. Moreover, Duvall's evaluations at LSD consistently described him as an "excellent teacher."

"Lester Duvall's violent attack on C.G. was predictable and preventable," said Alfert. "For more than a decade, LSD's staff, parents and the local Community Mental Health Authority notified the district's administrators about this rogue educator's physical, verbal and psychological abuse of special education students. Despite voluminous documentation of Duvall's

frequent maltreatment of these vulnerable youngsters, the district turned a blind eye to his illegal and abusive behaviors. LSD continued Duvall's tenure as a classroom teacher, even as eye-witness accounts of his aggression mounted. Compounding its errors, the district did not report the numerous allegations of Duvall's child maltreatment to Michigan Child Protective Services, as state law requires, nor did it take any action to protect his students from harm, until Duvall seriously injured C.G. last year."

LSD also withheld information from Garza about her son's maltreatment by Duvall, even though C.G., who remained silent about the abuse out of fear because Duvall threatened him, became increasingly anxious, depressed and aggressive at home and at school in response to Duvall's abuse. To compound this further, C.G was punished by the school district after the trauma by receiving several suspensions.

"I did not know my son and his classmates were being restrained and abused by Mr. Duvall," said Garza. "The District never gave me information about his cruelty or attacks on C.G. I was devastated to find out the violence my son had been subjected to and witnessed, and that LSD could have prevented, but instead it chose not to protect him and other children. The District did not even report Mr. Duvall's violent attack on C.G. to the police or Child Protective Services until a week after it happened. My son is still suffering from this attack, which set back his educational progress and made him fear schools and teachers."

Arrested by the Lansing Police Department and charged with 4th degree child abuse a month after attacking C.G., Duvall was not terminated by LSD until early 2015. Ingham County permitted Duvall to plead guilty to a single count of "disorderly person," for which he was fined \$300 in June 2015, even though prosecutors were provided with numerous documents detailing Duvall's previous abuse of special education students in LSD prior to his sentencing.

Duvall did not lose his teaching credentials and can be hired as a special education teacher in Michigan or any other state, despite his guilty plea and well-documented, lengthy record of abusive behavior involving students in LSD.

"There is no national registry of educators convicted of child maltreatment or other violent crimes," said Boley. "This allows teachers like Duvall, terminated for physical, emotional or psychological abuse of students, to simply move to another district, where they can resume their careers, likely continuing the patterns of verbal and physical abuse that violate students' rights and cause these children considerable, even permanent harm."

The suit asserts Duvall, LSD and LSD officials violated C.G.'s rights under the Fourth and Fourteenth Amendments of the U.S. Constitution, as well as discriminated against him in violation of the federal Americans with Disabilities Act, the federal Rehabilitation Act of 1973, and the Persons with Disabilities Civil Rights Act of 1976.

The suit also characterizes Duvall's use of excessive force as battery that resulted in damage to C.G., and the other defendants' lack of action in reporting Duvall's abuse as a violation of their mandatory duty under the Michigan Child Protection Law.

"The justice system's slap on the wrist for a teacher with a well-documented record of abusing students is incomprehensible, particularly since Duvall is able to continue teaching special education children," said Bonanni, "Every document we have about his teaching record in LSD shows that Duvall, the district and the justice system endangered his former and future students."

Compensatory damages for C.G.'s injury, emotional distress and medical expenses in the past and future, as well as punitive damages against Duvall, Nickson, Keyton, Alwardt, Caamal Canul,

Bacon, Scott and Robinson, attorneys' fees and costs and other relief determined appropriate by the court are requested, as is a jury trial.

The full complaint may be viewed at (<http://hintonalfert.com/practice-areas/child-school-abuse.php>).

About Hinton Alfert & Kahn LLP and Boley Law

Our firms have successfully represented many special needs students and their families across the U.S. in connection with physical and emotional abuse in the classroom. Our attorneys are known for providing responsive, supportive and committed counsel effectively addressing our clients' needs. Because our cases are often highly complex, we limit our caseload to allow our lawyers and staff to provide clients with the best advocacy possible. For more information, see hintonalfert.com and boleylaw.com.

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