

TAMAKI LAW

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FOR IMMEDIATE RELEASE

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TAMAKI LAW FILES SUIT – STUDENT-PERPETRATOR CAUGHT ON VIDEO SEXUALLY AND PHYSICALLY ASSAULTING DOWN SYNDROME STUDENT ON SCHOOL BUS FOR MORE THAN ONE MONTH; DRIVER FAILS TO NOTICE

Yakima County, WA–

The father of an eight-year-old girl who was repeatedly sexually assaulted on a Yakima School bus has filed a lawsuit against the Yakima School District No. 7. The father, identified by his initials E.R., and his minor child, identified by the initials of A.R., are represented by Tamaki Law.

A.R., who suffers from Down syndrome, was eight and in the second grade at Adams Elementary School when she was sexually and physically assaulted by another student on the school bus. At least 25 separate incidents of physical and sexual assault were recorded on the school bus video camera from February to March of 2014 while A.R. rode on the Yakima School District's special needs bus. These assaults ranged in duration from several minutes to more than fifteen minutes. Although the school failed to provide video recordings of bus rides prior to February of 2014, it is believed that the assaults began in September of 2013, when the school year started.

The lawsuit alleges that the School District and its bus driver were negligent, failed to supervise, and failed to implement and enforce policies and procedures to protect the safety of its students on its school bus.

The instances of abuse included, but were not limited to, punching, pinching, scratching, hitting, slapping, kissing, fondling of A.R.'s chest, pulling her hair, touching her crotch inside and outside her clothing, forcing A.R.'s head onto the perpetrator's crotch, forcing A.R. to touch and massage his inner thigh, and forcing and physically manipulating A.R. to rub, fondle and masturbate him. All of these instances of abuse were recorded by the bus surveillance video.

On March 27, 2014, when A.R. arrived home with bruises, deep scratches and blood on her face, her family notified school officials who then investigated and discovered the abuse that had been happening for months. Yakima School District officials notified the Washington State Department of Child Protective Services ("CPS") and the Yakima Police Department of the incident. Both conducted investigations.

The bus driver was placed on administrative leave during the District's internal investigation of the incident, and was later suspended for two days without pay for "supervision concerns." The student-perpetrator was later expelled from Adams Elementary.

According to Tamaki Law attorney Bryan G. Smith, "The bus driver and the district failed to keep this little girl safe, resulting in months of trauma. Every time A.R. sat down on the bus, the perpetrator sat next to her and assaulted her. It's unconscionable that a child could be subjected to so many assaults right under the nose of a bus driver who is supposed to be supervising and protecting these kids."

“The videos of the abuse are shocking and disturbing,” said Sergio Garcidueñas-Sease, co-counsel on the case. “No special student should be a victim to such abuse especially on a bus specifically designed for special needs students. These are the most vulnerable individuals in our society, and the school district had a duty to ensure their safety and protection.”