Students, Teachers File Landmark Federal Class Action Complaint Demanding Schools Address Unique Learning Needs of Children Affected by Violence and Trauma

_Lawsuit addresses barrier to academic achievement; demands adoption of proven trauma-informed practices in public schools_

LOS ANGELES, CA -- In a landmark, first-of-its kind case, students and teachers of a California school district today filed a class action complaint addressing a widespread, yet often ignored, public health crisis in America: the adverse impact of childhood trauma on learning.

Research has proven that childhood trauma stands in the way of academic success for millions of children, especially those in underserved communities. Low literacy, high dropout rates, repeating grades, low achievement, and the school-to-prison pipeline have all been shown to have a high correlation with exposure to trauma.

This case, filed in Los Angeles by Public Counsel and Irell & Manella LLP, demands that Compton Unified School District incorporate proven practices that address trauma—in the same way public schools have adapted and evolved in past decades to help students who experience physical or other barriers to learning.

“To close the achievement gap, we must deal with trauma,” said Mark Rosenbaum, directing attorney for Public Counsel’s Opportunity Under Law project. “Prolonged exposure to trauma results in injuries to the developing minds of children. It’s the type of roadblock to learning that our federal anti-discrimination laws were created to address, so that students in these circumstances are not denied equal opportunity to public education. Trauma-sensitive school districts across the nation are beginning to deal with trauma successfully, and when they do, the benefits to kids, to families, and to the community are extraordinary. There is no greater enemy to learning than unaddressed trauma.”

Complex trauma is the term development experts use to describe experiences that are so stressful they overwhelm a young person’s ability to cope—this could include being a victim or witness to physical or sexual violence; witnessing violence in one’s family or neighborhood; living with someone with a drug or alcohol problem; experiencing extreme family hardship and disruption, such as death or incarceration of a parent; and living in poverty without reliable housing or food sources.
Research shows that these traumatic experiences can physically alter the developing brains and bodies of children, which can affect behavior for decades and lead to symptoms similar to those of veterans returning home from war with PTSD.

Rather than taking reasonable steps to address the needs of students affected by trauma, the suit claims that the Compton Unified School District frequently punished and excluded these children in ways that have made it nearly impossible for them to succeed in school. For example, one student-plaintiff, with a history of being sexually and physically abused, became homeless earlier this year. With nowhere else to turn, he slept on the roof of the high school he attended. At no time did school administrators provide any support or services. Instead, he was suspended. Although some personnel were aware of these circumstances, the student’s attempts to return to school were denied, and he was threatened with law enforcement involvement if he persisted in attempting to return.

“Like too many school districts across the country, Compton Unified School District has failed to take reasonable steps to address the needs of students affected by trauma,” said Kathryn Eidmann, Staff Attorney for Public Counsel Opportunity Under Law. “When schools punish and exclude students who have experienced trauma instead of providing necessary support, it leads to academic failure. It also sends a damaging message that students are responsible for the trauma they have endured and that their futures are disposable.”

The lawsuit seeks a remedy centered on the adoption of proven models being adopted by districts across the country, from the state of Massachusetts to the city of San Francisco, which recognizes the impact of traumatic experiences and helps both students and educators become more resilient in the face of adversity and trauma. The model includes:

- Adequate mental health and counseling service for the highest need students;
- Trauma-informed training and support for all educators and school staff;
- Teaching children skills to cope with their anxiety and emotions; and
- Implementing positive school discipline and restorative strategies that keep children in school and create a safe and welcoming environment.

“Schools that fail to address the impact of trauma on students are engaging in unlawful discrimination,” said Laura Faer, Public Counsel’s Statewide Education Rights Director. “Trauma is a top predictor of school suspensions, expulsions and school-based referrals to law enforcement. Schools that fail to meet their obligation to become trauma-informed frequently deny student’s meaningful access to education and impermissibly put them on a school to jailhouse track.”

“Our public schools are our engines of economic and social mobility,” said Morgan Chu, a partner at the law firm Irell & Manella LLP. “They must intervene early to ensure that trauma does not harm a young person’s educational attainment and life chances. It doesn’t start and end with the schools, but what can happen in schools can make all the difference in the restoration and healing of children so that they don’t go on
to experience the negative impacts of trauma for the rest of their lives.” Irell & Manella LLP is representing the plaintiffs pro bono.

For more information on the case, visit www.traumaandlearning.org.

###

**About Public Counsel**
Public Counsel is the nation’s largest pro bono law firm. Founded in 1970, Public Counsel strives to achieve three main goals: protect the legal rights of disadvantaged children; represent immigrants who have been the victims of torture, persecution, domestic violence, trafficking, and other crimes; and foster economic justice by providing individuals and institutions in underserved communities with access to quality legal representation. Through a pro bono model that leverages the talents and dedication of thousands of attorney and law student volunteers, along with an in-house staff of more than 75 attorneys and social workers, Public Counsel annually assists more than 30,000 families, children, immigrants veterans, and nonprofit organizations and addresses systemic poverty and civil rights issues through impact litigation and policy advocacy. For more information, visit www.publiccounsel.org.

**About Irell & Manella**
Irell & Manella LLP is a full-service law firm with offices in Los Angeles and Newport Beach, CA. Founded in 1941, Irell is nationally recognized for its litigation, intellectual property, entertainment, transactions, insurance, bankruptcy and tax practices. Irell’s clients include public companies, universities, individuals and leading-edge entrepreneurial companies. The firm has a long-standing commitment to pro bono work and our community. For more information, please visit www.irell.com.
Questions and Answers about
Peter P., et al. v. Compton Unified School District

What is childhood trauma? How common is it?
Complex childhood trauma is the term development experts use to describe experiences that are so stressful they overwhelm a young person’s ability to cope. Research shows that traumatic experiences can physically alter developing brains and affect behavior for decades. Examples of traumatic experiences include (partial list):

- Being the victim of physical or sexual violence;
- Witnessing violence in your family or neighborhood;
- Living with someone with a drug or alcohol problem;
- Experiencing extreme family hardship and disruption, such as the death or incarceration of a parent;
- Living in poverty without reliable housing or food sources.

Childhood trauma is experienced by far too many children in the U.S. According to a study published in the journal *Health Affairs*, 48% of children have experienced at least one kind of trauma. Twenty-three percent have experienced two or more.¹ Children in underserved communities are particularly likely to have experienced trauma.

How does trauma affect academic success?
Childhood trauma negatively affects a student’s ability to succeed in school. According to published research, children who have suffered three or more traumatic experiences are:

- Two-and-half times more likely to repeat a grade than are children who have experienced none;²
- Five times more likely to have severe attendance issues;
- Six times more likely to experience behavioral problems; and
- More than twice as likely to be suspended from school.³

Fortunately, the effects of childhood trauma can be mitigated and even reversed. Interventions that draw on the resilience of young people have been shown to be highly effective. The class action filed this week calls upon the Compton Unified School District to adopt these proven practices.

How well-established is the research base on the lasting effects of childhood trauma?
The research is very well established and widely accepted. The most important study of this issue is the Adverse Childhood Experiences (ACE) Study. It involved more than 17,000 young people and has produced more than 50 published articles. The ACEs study is described by the Centers for Disease

¹ [http://content.healthaffairs.org/content/33/12/2106.abstract](http://content.healthaffairs.org/content/33/12/2106.abstract) (paywall)
² Ibid
Control and Prevention as “one of the largest investigations ever conducted to assess associations between childhood maltreatment and later-life health and well-being.”

It established clearly that traumatic experiences in childhood are major risk factors for injury and death, as well as poor quality of life.

Recognizing the importance of trauma as a children’s health issue, the American Academy of Pediatrics last year announced the formation of the Center on Healthy, Resilient Children. The new center coordinates a national effort to prevent and treat toxic stress among children.

**Why is this a legal issue? What laws have been broken?**

By ignoring the needs of students affected by trauma, the Compton Unified School District has violated several federal laws and regulations, including the Rehabilitation Act and the Americans with Disabilities Act.

By law, children have the right to a “free and appropriate public education.” By failing to address the special needs of children affected by trauma, the Compton Unified School District has denied students their right to an appropriate education. This class action suit seeks relief on behalf of students in Compton who are suffering from the effects of severe trauma.

**Who are the plaintiffs in this case?**

The plaintiffs in this case are five students and three teachers in the Compton Unified School District. With the exception of Kimberly Cervantes, who is 18, the students' real names are not being published to protect their privacy. All the student-plaintiffs have experienced severe trauma in their lives. However, the school district’s response to their plight not only didn’t help, but frequently made their situations worse.

For example:

- One student-plaintiff, a former foster youth with a history of being physically and sexually abused, became homeless this year. With nowhere else to turn, he slept on the roof of the high school he attended. At no time did school administrators provide any support or services. Instead, he was suspended. Although some personnel were aware of the student's circumstances, the student's attempts to return to school were denied, and he was threatened with law enforcement involvement if he persisted in attempting to return.

- Another student-plaintiff with a history of experiencing violence and witnessing friends and neighbors being shot had difficulty focusing and controlling his anger in school. Rather than offering support, the school district expelled him from all three mainstream high schools in CUSD in a single school year.

The teacher-plaintiffs are participating in the suit because they feel that teachers in CUSD have not been given the tools and support they need to assist children experiencing severe trauma appropriately. This leads to burnout and vicarious trauma among teachers. They are also joining the case because they want to ensure that students receive the assistance that they need and are entitled to under law.

---

5 [http://aapnews.aappublications.org/content/35/8/7.extract](http://aapnews.aappublications.org/content/35/8/7.extract)
Why was this case filed in Compton?
Students in Compton are disproportionately likely to suffer serious trauma. Compton’s poverty rate is twice the California average, its murder rate is five times the national average, and the city is home to a disproportionate share of foster youth. Large numbers of Compton Unified students are likely to benefit from the trauma-informed approach sought by this class action.

Why file a federal lawsuit over events in a single school district?
The laws that were violated are federal laws, so seeking relief in the federal courts is the appropriate remedy. We also hope this case will stimulate a nationwide movement bringing trauma-sensitive practices to schools across the country.

The research shows clearly that childhood trauma is a national problem. This class action makes a national statement that schools must play a critical role in helping children heal. In addition, we hope it sets a national precedent that children have the legal right to such school-based restorative services. Without this critical support, children may suffer the negative impacts of trauma for the rest of their lives.

What remedies are the plaintiffs seeking?
The class action encourages the Compton Unified School District to implement school-wide trauma-sensitive practices. Trauma-sensitive practices generally include:

- Training for all staff to understand and respond appropriately to students suffering from trauma;
- Teaching children skills to cope with their anxiety and emotions;
- Mental health support for students who have experienced severe trauma; and
- School discipline approaches that focus on preventing classroom disruptions and reducing suspension rates while holding students accountable for their conduct.

Importantly, school-wide trauma-sensitive practices must target the entire school environment. No single intervention is sufficient to provide the support that students suffering from the effects of trauma need.

Do trauma-sensitive practices work? What results can be expected?
Among experts, there is widespread consensus that trauma-sensitive school practices help children recover from the effects of trauma and succeed in school. The effectiveness of these practices has been proven in several academic studies. Research shows that students who received trauma intervention received higher grades and experienced fewer behavioral problems than children who did not. Also, suspension rates at schools implementing trauma-informed practices frequently drop sharply.\(^6\)

Trauma-sensitive practices are currently being used extensively in Washington state, Massachusetts, and parts of San Francisco.\(^7\)

For more information on the case, visit [www.traumaaandlearning.org](http://www.traumaaandlearning.org).

---

\(^6\) See, for example: [http://coe.ucsf.edu/coe/spotlight/ucsf_hearts.html](http://coe.ucsf.edu/coe/spotlight/ucsf_hearts.html)

\(^7\) [http://acestoohigh.com/2012/05/31/massachusetts-washington-state-lead-u-s-trauma-sensitive-school-movement/](http://acestoohigh.com/2012/05/31/massachusetts-washington-state-lead-u-s-trauma-sensitive-school-movement/)
Statements of Support for
Peter P., et al. v. Compton Unified School District

Francisco Orozco, Compton Democrats: “The majority of our students grow up facing constant trauma. This District is indifferent to our children’s problems, creating an environment of neglect and distrust that further adds to their psychological distress instead of providing solutions. Compton Democrats supports Public Counsel’s efforts to bring trauma-sensitivity to our schools.”

Carl Pinkston, Black Parallel School Board: “We believe Districts have a responsibility to educate all children and particularly children of African Descent that have been most impacted by violence in our community. Our children are traumatized on a daily basis with violence and racism in our society. High concentrations of trauma-impacted students need the accommodation and the human right of the highest quality of education.”

George White, Foster youth advocate and former Compton student: “According to the Prevention Institute, a division of U.S. Centers for Disease Control, 30% of U.S. inner city youth are affected by post-traumatic stress disorder, this more than doubles the rate of occurrence among Iraq and Afghanistan war veterans. As someone who grew up attending schools in Compton, I can attest to the district’s failure to address the needs of the population it serves. This is an injustice that has been ignored for far too long.”

Kim McGill, Youth Justice Coalition: “Schools must promote opportunity, public safety and justice without dehumanizing and discarding people. In 4 years, the YJC has buried 57 youth who have been killed by other community members or the police. No one wants the violence to end more than the youth and families most impacted. And we know that dismantling the school-to-jail track is essential in building a world that is both peaceful and just. Schools that work in communities with high levels of poverty, economic desperation, violence, incarceration and deportation must be similarly obligated to provide education, support and skills development in healing, peace-building and transformative justice.”

Kandee Lewis, Positive Results Corporation: “Our schools and communities are overwhelmed, no longer safe havens, or adequate for families or children, giving little hope or reason to be optimistic. Due to the cycle of violence, drug abuse, high unemployment, families in crisis, apathy, and lack of qualified programs and services, our children do not have the tools, skills, resources or positive influences to develop & model healthy behaviors, neither can the schools solely provide for the needs of our children. We must identify new and creative options, develop effective partnerships, and move away from penalizing children because of the negative behavior that is adversely affecting their lives, to providing opportunities to prevent and end violence and abuse, forgive, heal and thrive.”

Zaid Gayle, Peace 4 Kids: “Our organization Peace4Kids has served the Compton community for over 15 years. Serving youth in foster care, we have witnessed firsthand the impact an unequitable school system has on children. Foster youth, by definition, have experienced childhood trauma. In Compton, this fact is exacerbated by environmental factors such as poverty and exposure to violence and other
traumatic experiences. These experiences diminish the feasibility of young people having the baseline skills to succeed in school. They reduce a student’s social emotional ability to focus, pay attention and self-soothe, just to name a few outcomes. As the research suggest, we have discovered that having a consistent trauma informed practice has a significant impact on these outcomes. Foster youth in our program have an 88% graduation rate from high school and, of those who graduate, 75% go on to post-secondary education. But this practice shouldn’t be unique to us—all CUSD students deserve access to a quality education. We are in strong support of this complaint as we recognize that CUSD must be held accountable for the poor outcomes of their students and future generations need to benefit from an educational system that fully recognizes their distinct needs.”

**Ted Lempert, President, Children Now:** “Far too many California children are traumatized by violence, abuse, neglect and other stressors that disrupt their education. Complex trauma, adverse childhood experiences and toxic stress rates in some schools can exceed those experienced by war veterans, and severely obstruct children’s learning and development. School climate, policies and practices can either help or hurt children experiencing trauma, and model approaches can help schools create a supportive environment for children in need. This is why Children Now is working on childhood trauma, and why we believe it should be a priority in every school and community in California.”

For more information on the case, visit [www.traumaandlearning.org](http://www.traumaandlearning.org).