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Assault

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identified in part to combat the culture of secrecy in the school district that "creates an environment where mistakes repeat themselves over and over again."

The district discovered the assault in a review of video from a bus security camera four days after it occurred. The tape also showed the same boy assaulting Martin's son on four previous days, McMurry said in a letter to JCS demanding a settlement.

The bus driver, Joseph Gwynn, told investigators that during the final assault he saw that the boys were naked and told them to put their clothes back, but he claimed he didn't realize there had been sexual contact.

Gwynn was fired for failing to report what he saw, but an arbitrator called him a "responsible employee who made a mistake" and ordered him reinstated after a five-day suspension.

In the settlement document obtained by the Courier-Journal, the district denied liability. Citing privacy laws, it rejected the name of Martin and her son and refused to release a copy of the video.

District spokeswoman Allison Martin (no relation) said most buses carrying special-needs students are assigned a "special-needs transportation assistant," or SNTA, but district policy requires them only if a student has medical needs or requires help getting on or off the bus.

Rhonda Martin said her son had a medical need and the district knew it.

In a Feb. 26, 2016, email provided to the Courier-Journal by McMurry, Amy Meeren, a Ballard guidance counselor, told her Malone, a JCS placement specialist, that Rhonda Martin had requested support for her son on the bus because on several occasions he'd pulled out his feeding tube, which can require surgery to reinsert.

"This bus also has other student issues on it that are not medical but are serious issues," Meeren wrote.

Martin had also requested an aide the previous month. In an email on Jan. 20, 2015, Meeren told Malone the boy's mother was concerned because he had gotten off the bus without shoes and socks on.

Martin said she made another un-



Rhonda Martin hugs her son. KANEV PHOTO

successful request for a SNTA when her son came home with his clothes disheveled.

The requests were all denied, she said.

Martin, the JCS spokeswoman, said the district discovered the "alleged incident between two special-needs students" while doing a routine review of security footage from the bus.

But McMurry said it is "blamefully outrageous" for the district to say it was an "incident between two students," suggesting that "this was some kind of consensual engagement."

"This was a terrible act of violence," he said.

Rhonda Martin said a school security officer told her the attack was discovered when the video was checked in response to an unrelated complaint by another parent.

Allison Martin said the district turned the video over to the county attorney's office so if the other boy should be prosecuted. Josh Abner, a spokesman for that office, said by law it cannot comment on juvenile court matters. Rhonda Martin and McMurry said they don't know if the boy was charged.

Records provided by McMurry identify the boy as a 15-year-old Kammerer Middle School student.

Defending Gwynn in the arbitration, his union, Teachers Local 788, said he was the only adult on the bus. Had the district assigned an assistant, as the boy's mother requested, it "would have prevented what happened."

Local 788 President John Stoval told the Courier-Journal that the five-day suspension was too harsh.

"The driver's focus needs to be totally on the road, not looking in the mirror," he said. "Why have a special-needs bus if they're not going to have extra people on there to attend to the special needs of those students?"

Gwynn is still driving a special-needs route, the district said. He declined comment.

The bus route, which serves Ballard and Kammerer, now has a monitor every day, Stoval said. The boy accused of assaulting Martin's son is not allowed to ride it, he said.

Rhonda Martin said the district assigned an aide to the bus the day after it discovered her son was attacked, showing there should have been one on the bus all the while.

The district employs 17 SNTAs who are paid about \$4 to \$21 per hour. It has 124 special-needs bus routes.

Even with aides on special-needs buses, mentally challenged students can still be vulnerable. In September 2016, according to news accounts, one student was sexually assaulted by another with an aide present. The aide and the bus driver were fired. The students attended Walter-Williams Environmental School, which is for students with severe and profound emotional or behavioral disabilities.

McMurry acknowledged SNTAs aren't required by law on special-needs buses. But in his demand letter, he said federal law does require an annual social competence assessment. The Martin boy's 2016 assessment should have noted he was nonverbal and vulnerable to bullying and sexual attacks on a school bus, he said.

The school district was asleep at the wheel," McMurry said.

Rhonda Martin said she has spent her entire life protecting her son and that she counted on JCS to do the same.

"This is my helpless child," she said. "He cannot speak. He cannot say what people have done to him."

She said that he hasn't forgotten what happened to him.

"Every school day this year he would have a meltdown when he heard the word 'bus,'" she said. "He started screaming and turning tables over. He can't let it go."

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