

Lunchtime punishment proves costly for Camden school district

New settlement adds \$120,000 to penalty for forcing kids to eat on floor



The Camden School District has agreed to pay \$120,000 to settle a suit filed after Spanish-speaking students at Charles Sumner Elementary School (pictured) were required to eat on a gym floor after one boy spilled a jug of water in their classroom. / Courier-Post file

CAMDEN — The Camden school board has run up a tab of almost \$700,000 for a costly lunch — one that Hispanic students were ordered to eat while sitting on the floor as a collective punishment.

The district recently agreed to a \$120,000 settlement of a lawsuit brought by three youngsters involved in the February 2008 incident at Charles Sumner Elementary School. They were among a group of Spanish-speaking students who were required to eat on a gymnasium floor after one boy spilled a jug of water in their fifth-grade classroom.

The school board in August 2012 agreed to pay \$500,000 to resolve a separate suit brought by seven other youngsters in the class. It also forked over \$75,000 to the students' teacher, who lost his job after bringing the punishment to the school board's attention.

The district has admitted no wrongdoing in the settlements.

Ty Hyderally, a Montclair attorney for the three youths, said the agreements represented vindication.

"The students' interest is in holding the school accountable for some pretty horrific conduct," he said Tuesday.

"The impact of these events really affected these children," Hyderally said.

He said one of his clients, identified only as L.P., had caused the spill when he tried to change a water jug. "To a certain degree, he blames himself," Hyderally said. "But the responsive action was by adults, and it was outlandish."

An attorney for the district did not respond to requests for comment.

The suit also named as defendants Alex DeFlavis, the school's acting principal, and Vice Principal Theresa Brown. Their lawyers also did not respond to requests for comment.

DeFlavis has since retired, and Brown became a vice principal at Camden High School.

According to the suit, Brown made the youngsters eat on the floor for several days after the incident, and the punishment extended to students who weren't in class at the time of the spill. The suit also claimed school employees took no action when the Spanish-speaking students were singled out for taunts and mockery.

The students' teacher, Jose Rivera, did not work on the day of the spill and learned of the disciplinary action from a school secretary.

Concerned about retaliation from the school's administrators, Rivera urged his class to have their parents contact school board members.

The students did that, but Rivera was suspended for failing to notify the principal. He was fired in March 2008.

The latest lawsuit, filed in November 2012, asserted multiple violations of the students' constitutional rights, including the rights to free speech and due process. It also claimed the children were targeted for discrimination based on their national origins.

Hyderally said the three children had not joined in the earlier lawsuit due to "inadvertent misunderstandings" of their legal options.

Each of the three will collect \$30,000 under the settlement — \$2,500 initially and \$27,500 when they turn 18. L.P., identified only as a native of the Dominican Republic, is 17. The other two youngsters are 16-year-old natives of Mexico.

Hyderally's firm, which estimated fees and expenses of almost \$50,000, will receive \$30,000.