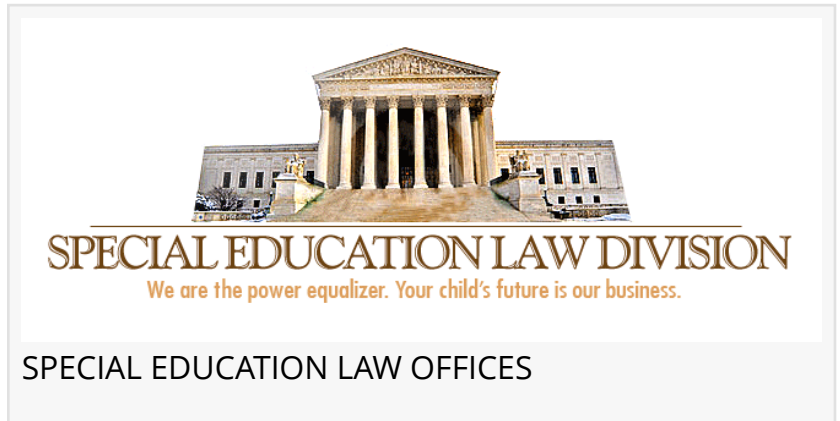


Disabled Child Sues District: District Retaliates: Calls Social Worker & Dispatches Sherriff's Dept. to Child's Home.

The administrator who authorized dispatching the Sherriff's Department to the child's home to retaliate and intimidate Parent should be terminated.

NEWPORT BEACH , CALIFORNIA,
UNITED STATES, September 24, 2020
/EINPresswire.com/ -- Disabled Child
Sues School District:
District Retaliates: Calls Social Worker
& Dispatches Sherriff's Dept. to Child's
Home.



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It's illegal For School Districts to Retaliate Against Parents. Calling a social worker to harass a parent is clearly retaliation. Calling the Sheriff's Department to harass a parent is also .”

James D. Peters III

A California family with three children with severe disabilities who require special services like Speech & Language, Occupational Therapy, Behavioral Intervention Plan and 1:1 aide, and yet another requires hand-over-hand support. None of this is provided by the voice of the teacher on the Chromebook. On July 29, and August 13, 2020. Parent disagreed with Districts offer of FAPE, and refused to sign the IEP's

One Martinez student was put in imminent danger when an online aide told her to leave the room, instructing her

that she and the siblings should go upstairs to find a quieter environment. Another sibling almost fell when he decided to get up and travel with his Chromebook in tow. This family also needed to return to the school three different times to get and exchange Chrome books, none of which had proper programming for virtual learning.

The Parent had no choice, and on August 31, 2020, filed a lawsuit. To help all the other Special Education Students as well, the Student filed a [class action lawsuit in United States Federal](#)

[District Court](#) on August 31, 2020. [Martinez v. Newsom, et al., Case No. 5:20-cv-0176](#). This allows other Students with disabilities like Plaintiffs, to obtain relief and services without the cost of an attorney and court fees. The Martinez family is the primary plaintiff in that matter. Defendants are the Governor, the Superintendent of Education and every School District in California, seeking to address this failure and violation of the IDEA, as well as the fundamental rights of the Martinez students.

The family's independent psychologist, behavioral expert, and legal representatives clearly communicated to the District that it is impossible for the Students to obtain a minimum basic education in the distance learning environment, which the District is offering on a take it or leave it basis. The independent experts and Parent explained that the children are unable to participate or learn without proper accommodations for their disabilities.

About a week after that lawsuit was filed, District decided to call Students' social worker indicating the Parent was somehow failing in her duties to have Students attend school, indicating a lack of effort or desire and concern about the children's education. By law, the social worker must investigate the District's allegation.

When the social worker communicated with the Parent, she had to inform Parent of the District's complaint. However, District was unaware that during the previous week, the same social worker had routinely observed Students and was well aware of the excellent care and concern Parent has for Students. Not only does the Parent participate in all aspects of all the children's lives, this social worker knows the Parent pays this law firm – out of her own pocket – to assist her students in obtaining a FAPE, something she is not required to do.

The District then took the outrageous step of dispatching the San Bernardino Sherriff's Department to the Martinez home to investigate Students' conditions at the home, under the pretense Parent was not allowing the children to participate in the school's virtual learning



Executive Director of Special Education Law Offices of Fazil A. Munir



Senior Attorney for Plaintiffs

program.

It's illegal For School Districts to Retaliate Against Parents. Calling a social worker to harass a parent is clearly retaliation. Calling the Sheriff's Department to harass a parent is also clearly retaliation. Sending employees to stalk a family is yet another form of clear retaliation. The administrator who authorized dispatching the Sherriff's Department to the child's home to retaliate and intimidate Parent should be terminated. Parent advocating for her child's education is protected by law.

Retaliation is illegal if the District's actions precedes the retaliation which is protected by law.

July 29, and August 13, 2020. Parent disagrees with District IEP and offers of FAPE, refuses to sign and consent to virtual learning.

August 31, 2020. Parent Lawsuit was filed.

Sept. 9, 2020. Social worker called by District to investigate Parent.

Sept. 13, 2020 District dispatched the San Bernardino Sherriff's Department to Students' home. They arrived at the Martinez home after 8 pm Sunday, Sept. 13, 2020 to investigate Parent.

Parents Protected activity in the school environment comes in many forms, including pursuing Parent's rights under the IDEA and advocating for disabled students regarding issues related to their federal and state educational rights. *Lee v. Natomas Unified Sch. Dist.*, 93 F. Supp. 3d 1160, 1168 (E.D. Cal. 2015). That is what this family has done.

Parents of children with disabilities face retaliation from their children's schools in response to their advocacy. We believe the District's Actions are an abuse of power.

We also believe the school District's retaliation is a harmful act against this Parent and is made in response to the *Martinez v. Newsom, et al.*, Case No. 5:20-cv-0176 lawsuit against the District. Anti-retaliation provisions in the law are tied to constitutional or statutory rights. The purpose of these provisions is to ensure that parents who complain about violations of rights are not deterred for fear of retaliation. The Court seeks to "prevent . . . interference with 'statutory rights." *Burlington v. White*, 548 U.S. 53, 68 (2006).

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