

Belmont: Lawsuit alleging sex abuse in middle school is settled

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REDWOOD CITY -- Facing a potentially embarrassing trial, the Belmont-Redwood Shores School District has reached a tentative agreement to settle a negligence lawsuit by a former student who claims that district officials allowed a sexual predator to roam the halls of a Belmont middle school for two decades.

The \$1.35 million settlement, expected to be finalized Monday, does not require the district to acknowledge any responsibility for plaintiff Roxanne Pedro's abuse at the hands of Ralston Middle School custodian Andre Edwards in 2001.

The accord was reached three days before the trial was set to begin in San Mateo County Superior Court, and amid mounting evidence showing how Ralston and district leaders neglected to discipline Edwards and share information with authorities that could have halted the cycle of abuse.

Pedro, 26, says her life was derailed after Edwards molested her in his school office when she was 12. Edwards, 57, kept his job for another decade until he groped a second female student in 2010 and was forced to resign. He served four and a half months in jail for both crimes.

Bill Grimm, senior attorney for the National Center for Youth Law, an Oakland-based nonprofit, said the evidence compiled by Pedro's attorneys, including witness depositions and police accounts, appeared to demonstrate a "pretty egregious" failure by the district to heed a series of red flags concerning Edwards' behavior.

"Those red flags should have resulted in the agency filing the appropriate reports with (Child Protective Services) or with the police," Grimm said.

The district and four ex-administrators -- including Anne Campbell, now the county's highest-ranking education official -- claimed they took reasonable steps to respond to complaints about Edwards. Spokesman Tom DeLapp had expressed confidence they would prevail in front of a jury.

But their legal motions over the past year were focused almost exclusively on a technicality -- arguing repeatedly and without success that the statute of limitations for Pedro's claim had expired.

The district issued a statement Friday saying, "We believe the interests of all parties can be best served by avoiding a lengthy, costly public trial."

Paul Llewellyn, an attorney for Pedro, called the settlement a "favorable outcome" and said the young woman "looks forward to closing this chapter of her life."

Missed opportunities

Edwards first came under serious scrutiny in 1996, when a former Ralston student accused Edwards of sexually harassing her from 1992 to 1995. She told Campbell, the school's principal from 1990 to 1997, and other administrators that Edwards looked her up and down and made vulgar comments such as, "You're mine when you're 18."

Administrators, including Jeffrey Keuscher, the district's director of business services, found the girl to be credible, but Edwards denied the allegations. There is no evidence that the janitor was disciplined or that Campbell, now San Mateo County's superintendent of schools, or anyone else reported the incident to authorities.

California's mandated reporting law requires school staff to contact police or Child Protective Services whenever they have a reasonable suspicion that a child has been abused or neglected. The district argued that verbal sexual harassment of a child does not meet the law's definition of abuse.

Sexual harassment falls into a legal gray area, according to Grimm, who specializes in child welfare. Even so, he said, the general intent of the law is clear: "When in doubt, report."

Instead the district sealed its six-page report on the incident, with the provision that, if Edwards were accused of similar misconduct in the future, the document would become part of that investigation.

But when Pedro came forward in May 2001 to claim Edwards had fondled her genitals, the report remained hidden. There is no evidence that Campbell, who was by then superintendent of the district, or Keuscher informed police or colleagues about the 1996 complaint.

As a result, Pedro's lawyers claim, Ralston administrators and police investigators adopted a skeptical approach to the seventh-grader. Pedro says detectives asked her to take a polygraph exam, told her she failed and demanded she apologize to Edwards, who had denied the abuse.

Detectives might have been more sympathetic to Pedro, however, had Keuscher shared with them an alarming discovery. While cleaning out Edwards' office in the weeks after Pedro was molested, one of the district's other custodians found a graphic pornography magazine on his desk and two unwrapped condoms on the floor, according to witness depositions and a police affidavit from 2011, when investigators reopened Pedro's case.

Neither Keuscher nor anyone else at the district reported the find to police in 2001, according to Pedro's attorneys. But a decade later, when police were investigating the 2010 assault, Keuscher informed a detective of the discovery and said he'd given the magazine to Campbell. She has denied any knowledge of that exchange.

The District Attorney's Office declined to prosecute Pedro's case in July 2001 for lack of evidence. Edwards apparently escaped the Pedro incident without punishment, though the district moved his office and forbid the janitor from being alone with students.

Edwards violated that rule in 2005, when a co-worker found him alone with a girl in his new office next to the gym before 6:30 a.m. Once again, Edwards appears to have eluded discipline.

The custodian's long history of questionable and sometimes criminal behavior at Ralston Middle School came to an end on Nov. 16, 2010, when a 12-year-old student stopped by Edwards' office for their usual morning chat about her boyfriends, according to the police affidavit, which notes that Edwards groped the girl's buttocks and one of her breasts several times over her clothes.

Edwards ultimately pleaded no contest to false imprisonment and lewd behavior charges stemming from the two assaults.

Deflecting blame

In a deposition on Jan. 20, 2015, Campbell conceded it would have been helpful for police in 2001 to have known about the alleged sexual harassment in 1996. When asked if she regretted not sharing the information, Campbell demurred.

"I don't know that I didn't share that with people either," she said. "I don't have a direct recollection of it one way or the other."

Campbell and Keuscher declined requests for comment through spokesman Tom DeLapp, who last month scorned Pedro's lawsuit as "unsubstantiated speculation."

In reaching the settlement, the district abandoned a legal tactic that sought to blame Pedro's parents for her post-abuse spiral into truancy and teenage pregnancy.

In a legal filing, Campbell and her fellow defendants claimed that, had Pedro's parents provided her with the appropriate "guidance, values and family support," the 12-year-old girl either wouldn't have been assaulted by Edwards or would have rebounded from it.

Pedro was not available for comment Friday. In an email provided by her lawyers before the settlement was reached, however, Pedro called the district's stance "disgraceful."

"My mother has always been a loving and involved parent," she said. "It was the district that failed to protect me -- not her."

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