
Press Release

For Immediate Release

June 29, 2021

Court Denies Motion to Dismiss Legal Case Against Moreno Valley Unified School District (MVUSD)

Involving Black Child with Disabilities who was Handcuffed and Forcibly Detained by School Police

(Riverside, CA) - On June 17, 2021, a federal judge ruled that a lawsuit against Moreno Valley Unified School District (MVUSD), District Superintendent Martinrex Kedziora, Riverside County, Riverside County Sheriff's Department, and several individual school police officers sued over the violent handcuffing of a 12-year-old Black student (C.B.) with disabilities could proceed. The Court denied Defendants' motions to have the case dismissed. You can read the Court's order denying the motions to dismiss [here](#).

Background

On February 4th, Disability Rights California, Barajas & Rivera APC, and Disability Rights Education & Defense Fund filed a lawsuit seeking an injunction and damages against the Moreno Valley Unified School District (MVUSD), District Superintendent Martinrex Kedziora, Riverside County, the Riverside County Sheriff's Department, and Riverside County Sheriff Chad Bianco and several individual officers for harm caused to an 11-year-old Black student (C.B.) injured by school police. The initials of the child and his parents have been used to protect their identities.

The complaint alleges school police officers used excessive force and discriminated against C.B. based on his disability and race when they violently handcuffed him multiple times on MVUSD middle school campuses. Video documentation of one of these incidents is available at: <https://vimeo.com/438028598>. In addition, the Plaintiff asserts that Defendants' actions, inactions, policies, practices, customs, and procedures violated and continue to violate his rights under the U.S. and California Constitutions, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and multiple state civil rights laws, in addition to several common law torts.

Court Denies Motion to Dismiss

In its Motion to Dismiss, Riverside County argued that it was reasonable for school police officers to detain and handcuff C.B. The Court disagreed, ruling that challenging the officers' actions were "unreasonable and excessive" in light of the Plaintiff's age, stature, and documented disabilities. The Court agreed that C.B. has a claim for excessive force, even if he was "disrespectful" or physically resisted the officers, said Claudia Center, Legal Director for Disability Rights Education & Defense Fund.

The Court permitted C.B.'s challenge to Riverside County and its Sheriff Department's widespread customs of: (1) unnecessary intervening in minor incidents, (2) failing to deescalate, (3) using of excessive force, (4) misusing body cameras, and (5) failing to train and supervise their school police officers.

"The Court also allowed C.B. to pursue claims of disability and race discrimination under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and California's civil rights laws," said Barajas & Rivera APC partner Maronel Barajas. "C.B. argued school police officers disproportionately arrest Black students for minor or disability-related behavior. And C.B. argued the Sheriff Department's policies include implicit biases and stereotypes against Black students."

Disability Rights California Staff Attorney Lindsay Appell said, "The Court's ruling is a victory for C.B. and his family, but also for those in the community working to create safer MVUSD schools." In July 2020, MVUSD's Board conducted a "Study Session" to gather community input regarding the School Resource Officers (SRO) program. During this Session, the Board received nearly fifty public comments, with all but five urging the Board to abolish the SRO program and reinvest its \$1.3 million-

dollar budget in mental health supports, restorative justice, culturally relevant curricula, and other non-police programming. The Board, however, did not abolish the SRO program or invest in any alternative positive supports.

“I am so happy with the outcome the court granted us. This should not have happened to any child or Black disabled child. No one should ever have to go through what my son went through with any police officer,” says C.B.’s mom.

“I am the father of C.B. I greatly appreciate the court’s decision to hold all these officers accountable for abusing my son. This is a major step in stopping Black children, children with disabilities, and children of color from being abused by police. If police are allowed to hide behind Qualified Immunity there are no consequences to make police officers/SROs stop abusing our children. I would like to see these officers removed from duty and held fully accountable for their actions.”

The case is *C.B. v. Moreno Valley Unified School District et al.*, Case No. 21-194 JGB (SPx) (C.D. Cal.) and was filed on February 4, 2021.

Media Contacts:

Melody Pomraning

Communications Director
Disability Rights California
916-504-5938

Melody.Pomraning@disabilityrightsca.org

Lawrence Carter-Long

Director of Communications
Disability Rights Education & Defense Fund
510-544-6555 ext 5256

LCarterLong@dredf.org

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Disability Rights California (DRC) - Is the agency designated under federal law to protect and advocate for the rights of Californians with disabilities. The mission of DRC is to advance the rights, dignity, equal opportunities, and choices for all people with disabilities. Learn more at: <https://www.disabilityrightsca.org>

The Disability Rights Education and Defense Fund (DREDF) - Founded in 1979, is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. DREDF works to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development. Learn more at <https://www.dredf.org>

Barajas & Rivera, APC - Is a plaintiff-side civil rights law firm focusing on disability access and special education. B&R believes in using the power of law to protect civil rights and advance justice. Learn more at: www.barajasriveralaw.com