

CLIENT NEWS BRIEF

Parent Has Standing to Sue School District for Alleged Failure to Ensure that Students Are Not Discriminated Against, Harassed or Bullied

In *Hector F. v. El Centro Elementary School District* (June 24, 2014) ___ Cal.App.4th ___ 2014 WL 2854704, the California Court of Appeal held that the parent of a student could seek enforcement of a school district's obligations to comply with statutory anti-discrimination and harassment provisions of the Government Code and Education Code. This case may signal an increase of civil actions against school districts in bullying cases.

Hector F. hinged on a procedural issue: whether the parent had standing to sue the school district. The parent's case alleged that the student had been exposed to a pattern of repeated bullying, harassment and discrimination based upon the student's ethnicity and disability. The complaint also alleged that the student reported the incidences of bullying, harassment and discrimination to school site personnel on at least two occasions, but the school district failed to respond appropriately.

The trial court dismissed portions of the complaint that asserted claims on behalf of the parent, reasoning that the student no longer attended district schools, the parent had no other student in the school district who was subject to bullying, harassment or discrimination, and the statutes the parent relied upon did not provide him a right to sue the district. The Court of Appeal reversed, finding that the statutes upon which the parent sued the district "articulate a well identified public interest in maintaining a system of taxpayer funded public education which is free of the destructive influence of discrimination, harassment and bullying." As a result, the parent's lawsuit was allowed to go forward.

Although *Hector F.* was a procedural decision, school districts may want to review their board policies, administrative regulations and school site safety plans to ensure compliance with anti-discrimination, harassment and bullying laws. Districts should also consider staff training on compliance with applicable policies, regulations and laws, in order to avoid litigation similar to *Hector F.*

If you have questions regarding the laws on non-discrimination, harassment, intimidation or bullying, or the policies or training for implementation of these laws, please contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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