

Lafayette School District to pay \$725,000 to girl sexually abused by teacher

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MARTINEZ -- The Lafayette School District will pay \$725,000 to settle a lawsuit filed by a former Stanley Middle School student who was sexually abused by a teacher in 2010, the district said Monday.

The girl sued the district, Superintendent Fred Brill, Stanley Principal David Schrag and incarcerated former teacher Michael Merrick in March 2012 over the repeated abuse she suffered at age 14 during private tutoring sessions with Merrick in his classroom.

The suit alleged that district employees had received complaints about Merrick fondling other female students before his October 2010 arrest and failed to report them to law enforcement as required by mandated reporting laws.

The district does not admit any wrongdoing in the settlement. To this day, neither district employees nor the Lafayette Police Department are aware of any other students who were sexually abused by Merrick, Brill said Monday.

"Within 24 hours about learning of possible wrongdoing, we had our teacher placed on administrative leave, and we were cooperating with the police investigation," Brill said. "This was not something that we sat on."

The lawsuit further alleged the district knowingly allowed, and even endorsed, Merrick and other teachers to tutor students for pay on campus in violation of its own policies.

Brill said teachers are encouraged to help struggling students outside instructional hours but not for private pay. Merrick was accepting money for private tutoring without the district's consent or knowledge, Brill said.

The victim's attorney, Rick Madsen, declined to comment on the case Monday.

The settlement between the girl and the district, approved Feb. 13 by a Contra Costa County judge, will be paid out of the district's insurance pool and not from its general fund, the district said.

Chile Abuse Prevention Council of Contra Costa County

Brill and Schrag were dismissed as defendants in the lawsuit in December; the lawsuit continues against Merrick as an individual.

Merrick, 49, pleaded guilty in January 2012 to six felony sex crimes in exchange for the dismissal of another 19 charges. He was sentenced to five years and eight months in state prison, which he is serving in Chowchilla.

"As a district and as individuals, we are deeply sorry for what happened to the victim in this case," Brill said in a news release. "Someone we trusted as a teacher betrayed that trust and abused a child. His crimes have caused the victim a great deal of pain and have damaged our community."

In the wake of the Merrick case, the district has provided extra mandatory reporting training to teachers and staff at all five of its schools through a partnership with the Contra Costa Child Abuse Prevention Council, Brill said.

Up next, the council will be hiring a staff person to regularly teach child abuse, sexual harassment and bullying prevention at elementary and intermediate schools in Lafayette, Orinda and Moraga.

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