

Mt. Diablo Unified School District: 2006 internal report found 'potential child abuse' by teacher; district failed to report

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Despite a 2006 Mt. Diablo school district internal report finding "potential child abuse" at the hands of Woodside Elementary teacher Joseph Martin, administrators failed to contact police and allowed him to continue teaching until April of this year, just before his arrest on molestation charges, according to a newly filed claim by seven alleged victims.

Martin is suspected of abusing 13 former male Woodside students and faces life in prison. He pleaded not guilty in July to 125 felony counts.

Rather than following state law and reporting their suspicions to police or other authorities in 2006, district officials tried to curb the fourth and fifth grade teacher's behavior by requiring him to keep his classroom door open and prohibiting him from being alone with any one student, according to the claim. A 2013 police report, obtained by the attorney representing the victims, who were allegedly abused between 2009 and earlier this year, said Martin "did not follow through with doing any of these things."

The seven victims listed in the claim filed against the district last week are suing Martin, former Woodside Principal Jennifer Sachs, former Woodside Principal Michelle Batesole, former Woodside Principal Jenny Reyes Cronan, former district Superintendent Steven Lawrence, former district General Counsel Greg Rolen, former district Superintendent Gary McHenry, and four school board members from 2006, one of whom, Linda Mayo, is still a trustee.

The claim is the third filed against the district involving Martin, in addition to a federal civil rights lawsuit, but the first to detail the earlier suspicions and the district's lack of action in response.

The latest claim alleges at least 10 Mt. Diablo district officials likely saw the internal report or were aware of other complaints about inappropriate touching and contact. None contacted authorities.

"At the very least, in 2006 the district should have reported these events to police and allowed the professionals to conduct a real investigation," said attorney Stan Casper, who represents the victims. "Had they done that, I'm confident that we wouldn't be here in 2013 for the first time discovering Martin's inappropriate conduct."

Interim Mt. Diablo Superintendent John Bernard and Interim General Counsel Jayne Williams, who are not named in the claim, did not return an email for comment. Calls and emails to most defendants were not returned, while Lawrence and McHenry declined to comment.

The latest claim lays out the warning signs that should have been acted on by administrators as early as 2006, including complaints lodged by at least four of Martin's Woodside colleagues.

In 2006, one teacher walked in on Martin and a 12- or 13-year-old boy at about 6:30 p.m. in his classroom behind a closet door; both had their shoes off. Martin had a "deer in headlights" look on his face and appeared nervous, according to the claim and police report.

The teacher complained to then-principal Sachs. She also complained about Martin inappropriately hugging young male students and his male-only, invitation-only, after-hours chess club that targeted Martin's favorite students.

Another teacher that same school year complained to Sachs about Martin "walking in an overly intimate fashion" with a boy, late in the afternoon and off campus.

A third teacher complained to Sachs about Martin's "Magic Mornings" during which he would turn off the classroom lights, turn on strobe lights and a disco ball and play loud music. That teacher also complained that older boys who had graduated Woodside would return to the school and enter Martin's room alone. The teacher tried to open the door, but found it locked, according to the claim and police report.

A fourth teacher said Martin occasionally came to her class and pointed to photos of her male students, saying things like "I want him in my class, I want him, I want him." Most of the boys he selected were blond and blue-eyed, according to the claim and police report.

That fourth teacher complained to Sachs that Martin "exhibited all of the hallmarks of a child molester" and that she found it weird Martin would brag about going to Disneyland several times a year and that he knew "where all the bathrooms and exits were."

Sachs, the daughter of Interim Superintendent Bernard and now working in the Pittsburg school district, gave this newspaper a brief comment via email, referring further questions to her former district and the police department.

"I am saddened and disturbed by the arrest of the teacher at Woodside Elementary," she said. "While I cannot comment on an ongoing investigation, my thoughts are with the victims' families and the Woodside community at this time."

At least some of the complaints led the district to hire the Atkinson, Andelson, Loya, Ruud & Romo law firm in 2006 to investigate. The outside firm, according to the claim and police report, concluded: "This report would not be honest and its conclusions not fully supported if I did not report the circumstances surrounding these allegations that at least suggest the subject matter of potential child abuse."

Former trustee Dick Allen, who is named in the claim and was serving on the board in 2006, said he "doesn't recall ever seeing such a report."

"I think that stuff should be handled right away," he said by phone. "If we had, I think we would have done something about it."

State law requires school employees to report any suspected child abuse to police or Child Protective Services. In 2006, Mt. Diablo chose to create a remediation plan for Martin. He agreed to restrictions on his behavior, including keeping distance between himself and students (including during his frequent classroom skits), according to the claim and police report.

After the internal investigation, a parent complained to a principal about a letter Martin sent home with his students telling them to wash all their parts, including their "private parts" before coming to school, the claim and police report said.

When one parent complained during the 2009-10 school year to then-principal Michelle Batesole, according to the claim and police report, she told the parent the reason she took no action on a complaint against Martin because "everyone loves him and his STAR scores are high."

Then-Principal Jenny Reyes Cronan defended Martin throughout the police investigation. She allowed Martin to say goodbye to his class after the most recent abuse allegations surfaced in April, when he tearfully proclaimed his innocence to his class. During that same brief encounter, he also dissuaded a victim from reporting him, according to the claim and police report.

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