

## **Mom: My son is wrongly accused in bully altercation**

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LAS CRUCES — The mother of a Las Cruces second-grader involved in a shoving incident on a school bus that left a younger boy hospitalized said her child is being falsely accused of bullying.

On April 14, a César Chávez Elementary School first-grader suffered a skull fracture after being pushed during an altercation with the second-grader.

The Sun-News is not identifying the children due to their age.

The mother of the 8-year-old second-grader claims her son, not the 7-year-old first-grader, has been the victim of bullying by the younger boy all year long.

"(My son) would tell the bus driver and he would be told to quit being a cry baby," the mother said. "He was told, you're older and you're bigger."

The mother said that according to her son and other students on the bus, the 8-year-old was being strangled by the younger boy and, in self defense, her son pushed him away. The first-grader was standing as the bus turned a corner, causing him to fall and hit his head on the emergency door handle.

"My son is 8 years old; he does not have the strength to cause a skull fracture," she said. "You would need extreme force to cause that type of injury."

The New Mexico Public Schools Insurance Authority is handling the investigation. And the Doña Ana Sheriff's Department also opened an investigation to run "parallel (to) but separate" from the schools' investigation, according to investigator Bo Nevarez.

Las Cruces Public Schools did not report the incident to law enforcement, but one of the parents filed a complaint with authorities, Nevarez said.

"Of course, we're dealing with 7-year-old children, so as far as criminal charges, we're not even looking at that right now," Nevarez said.

The mother of the 8-year-old said she contacted the principal at César Chávez Elementary School, Carmen Gallegos-Marrujo, at least three times, and complained to the bus company at least six times prior to the April 14 incident, but no incident reports were filed.

Gallegos-Marrujo declined to comment because of pending litigation.

If a dispute occurs between students, bus drivers are required to file incident reports detailing the events, according to school officials. Copies of the reports are delivered to the schools and the

schools are expected to follow up on them. If drivers are unsure about filing a report, they can discuss the issue with a bus safety supervisor.

First Student is the current bus contractor for the Las Cruces school district. First Student spokeswoman Maureen Richmond said a report in this case was not filed.

"They were not aware of any bullying that took place on the bus," Richmond said, referring to the driver. "And our driver keeps a full record of any concern that is expressed."

Richmond also said the safety manager on duty would have addressed any concerns with the principal at César Chávez or the school district.

Patricia McDaniel, a bus driver for First Student, said when it comes to incident reports, "some bus drivers are more lenient than others" and if a report is filed or not depends on the situation.

"There are some bus drivers, their whole file is full of incident reports, and others don't write a single one," McDaniel said. "For the ones that don't file, I guess they just go along with the chaos."

The first-grader continues therapy to improve his coordination and speech and is expected to return to school in one or two months, said Joseph Holmes, a Las Cruces attorney representing the child's family.

"We're making an effort to get his school work sent home because we certainly don't want him to have to repeat the first grade," Holmes said.

The second-grader was removed from school and is being home-schooled for the remaining school year. He won't return to César Chávez in the fall, his mother said.

"All of this happened because nothing was done when my son complained to the bus driver," his mother said. "And then it escalated to this, for this child to be injured."

Video surveillance on the bus did not record the events.