

RCSD braces for Trevyan Rowe lawsuits

There's no way to measure the emotional cost of the death of Trevyan Rowe to those who loved him and to the countless strangers who searched and prayed for him in vain.

But the admission by Rochester schools Superintendent Barbara Deane-Williams and school board President Van White that systemic failures and negligence by workers at School 12 were responsible for Trevyan's death all but guaranteed there will be a financial cost.

"We are here for one reason and one reason only," White said at a news conference Tuesday. "That is to take full and complete responsibility for this young man's passing."

If history is any guide, the financial toll could amount to millions of dollars being awarded to relatives of 14-year-old Trevyan, who deserve every penny coming to them and then some.

Two years ago, the New York City Department of Education settled a wrongful death lawsuit for \$2.7 million in a case with striking similarities to that of Trevyan's.

Should the Rochester City School District pay out anywhere near that amount in relation to Trevyan's death, it would be by far the costliest lawsuit in district history. In recent years, the district has budgeted \$500,000 to settle judgments and claims against it not covered by insurance.

Talk of litigation and money are crass in the wake of tragedy. But they're worth noting because it will be Rochester taxpayers who will, in one form or another, pay for the district's negligence.

"Notwithstanding the potential for civil liability and the exposure we might face because of the comments I made," White said in an interview Wednesday, "the Board of Education wanted to make those comments because they were facts that Trevyan's mother and the community needed to hear before the lawyers got involved.

"The sum and substance of those facts are that we failed that child," White continued. "Let the chips fall where they may."

White, incidentally, was intimately involved in litigation a generation ago that resulted in the largest jury award to date against the school district. A lawyer by profession, White represented the family of 13-year-old Stephne Givens, who was fatally stabbed by a classmate outside Jefferson Middle School in 1995.

A jury awarded Givens' family \$1 million, ordering the district to pay \$430,000 and the family of the killer to pay \$570,000. An appeals court later slashed the total award, and the district eventually paid \$144,000, an amount that was factored into its budget.

The case in New York City involved a 14-year-old autistic boy named Avonte Oquendo who wandered from his public school in Queens on Oct. 4, 2013, and was found dead three months later in the East River.

Like Trevyan, Avonte arrived at his school on a school bus the morning he disappeared. Unlike Trevyan, however, Avonte was escorted into his school and attended classes.

At the lunch hour, Avonte was in line in the cafeteria when he suddenly bolted for an exit. A school security guard asked him a question, but never chased him when he didn't answer and ran out the door. Avonte was never seen alive by anyone who knew him again.

In Trevyan's case, five school workers were posted outside School 12 to greet students. But none of them escorted Trevyan into the school or noticed that he exited his bus, hung a right turn and began walking along South Avenue away from the school.

He walked a mile and a half to the Douglass-Anthony Bridgeover the Genesee River. His lifeless body was found in the water four days later.

It took school officials in Queens about 45 minutes to figure out Avonte was gone and notify his mother and police. A search began immediately.

By contrast, Rochester police were notified of Trevyan's disappearance 10 hours after he left the bus because three different teachers marked him as present at school.

School 12 officials were alerted to his absence only when his mother called at the end of the school day to inquire why Trevyan wasn't on the bus home.

Under state municipal law, anyone wishing to sue a government agency, like a school district, for damages because of alleged negligence must first file what's called a "notice of claim" within 90 days of the date of the incident.

The paperwork essentially puts the agency on notice for impending litigation and gives the plaintiff a year to file the lawsuit.

Richard Kaul, the lawyer representing Trevyan's mother, Carrie Houston, anticipated Wednesday that a notice of claim would be filed in the coming months.

He said, though, that he was currently focused on ensuring Houston is appointed the administrator of Trevyan's estate.

When someone dies without a will in New York, a surrogate court judge appoints an administrator to oversee the estate. That usually falls to a parent in the death of a child, but that could be complicated in Trevyan's case by a dispute over his legal guardianship raised by his aunt and uncle.

"Whether she represents the estate of her son is what we'll be working on," Kaul said. "If that happens, claims will be filed."

The district is also considering spending millions of dollars more on long overdue administrative costs as a result of Trevyan's death.

Deane-Williams, the superintendent, has asked the school board to hire an attendance clerk for each public school to ensure attendance is recorded properly and parents are notified of unexcused absences by a human being rather than a robocall generated from district headquarters.

Why such safeguards weren't already in place is just another mystery of Rochester public schools.

Given the outpouring of public support for Trevyan, Rochester residents might well pay anything to bring him back. They can't do that, but they will pay for how he died.

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Trevyan Rowe PROVIDED



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