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Sexual abuse lawsuit dogs Ogden School

Three years into case, mother of disabled boy seeks justice from CPS, Ogden International

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By IAN FULLERTON
Contributing Reporter

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On the morning of May 5, 2009, the mother of a 6-year-old autistic boy received a phone call from Kenneth Staral, principal of the Ogden International School of Chicago at 24 W. Walton St., where her son was currently enrolled in a second semester.

Staral informed the woman that her son — who also suffers from epilepsy and developmental issues that impede his ability to speak — had been involved in an incident at the school earlier that week in which a special education teacher named Brian Pfaff was seen allegedly touching him in a manner that “crossed the line.” The Chicago Board of Education had received a report on the incident and Ogden’s staff was looking into it, the principal said.

Though to what extent she would be involved in the investigation may have seemed unclear at that point, the mother’s relationship with the school was about to take a markedly legal turn. That 2009 phone call set off a lawsuit that has dogged Ogden since, as Chicago Public Schools and Pfaff have battled the mother in court.

Ogden — a community school that enrolls students from the Near North Side, New Eastside, the Gold Coast, Streeterville and River North — has long since locked down its teachers and faculty. But the mother and her legal team say evidence surrounding that phone call paints a disturbing picture.



Students and faculty leave the Ogden International School of Chicago, Monday, Aug. 27
DAVID PIERINI/Staff Photographer



Brian Pfaff

In the report, written a day before that call, an art teacher and a student teacher at the school stated that they had witnessed Pfaff holding the boy on his lap and kissing him during a Kindergarten art class on the afternoon of May 1.

“The students were working on Mothers Day gifts when I heard some laughter from the back of the room,” the teacher wrote. “I noticed Brian Pfaff was cradling [the boy] in his arms and [he] gave Brian Pfaff a kiss on the lips.”

The statement continued: “Brian didn’t stop it — he continued to cradle and baby [the boy] as if it was his own child.” The student teacher’s account added that “there were many squeezes and embraces of affection between the two,” and that Pfaff “would rest his chin on the boy’s neck and nuzzle him.”

As the boy’s assigned special education teacher, Pfaff’s workload included meeting with the student on a daily basis. Subsequent interviews with faculty at Ogden revealed that there had been previous concerns regarding the teacher’s interactions with the student, including instances in which it was suspected that Pfaff had spent time alone with the boy, an act in violation of school regulations. Pfaff had apparently been called out on similar misconduct with a student at Ogden in 2002.

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In a court complaint filed a few months later, the boy's mother stated that she received a second phone call from Staral later that evening. This time, the principal suggested that it was in the boy's best interest "to not attend Ogden International because he would continue to be exposed to Mr. Pfaff."

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Sitting in his West Loop office, Ed Ruberry flipped through a thick, Post-it note-covered binder filled with depositions, court minutes and draft complaints for the lawsuit that has followed in the wake of the incident at Ogden.

Ruberry, who normally works in corporate and commercial litigation, took up the mother's case in late 2009, after hearing about the situation from a friend who he ran into at a grocery store.

"When I took the assignment, I thought "This shouldn't be that difficult,"" said Ruberry.

The suit — which charges Pfaff and the board of education on counts ranging from an accusation of battery to "Civil Conspiracy to Endanger Children" — has sat in the Cook County Circuit Court for nearly three years. Since filing the case, the plaintiff, a single mother of Moroccan descent, has moved to Highland Park, where her son is now enrolled in another special education program.

The mother claimed the school never made her aware of prior complaints against Pfaff regarding his interactions with her son or any other students, even after the May 2009 incident came to their attention. Ruberry believes that the administration at Ogden and the school board have intentionally misled his client during the investigation into Pfaff's conduct.

Pfaff continues to work at the school and has denied all charges of misconduct made against him in the suit. His attorney did not return calls for this story.

Aside from the art teacher — who claims to have received an anonymous, harassing letter from other teachers at Ogden since filing the report — few others at the school have offered to talk about the incident.

In a March 22 deposition, Ogden Assistant Principal Mary Gray invoked the Fifth Amendment on a number of questions from Ruberry, including the question of "whether she had made false and misleading statements to investigators to protect Pfaff," or whether she was aware of "attempts by teachers and staff to force the whistleblower to retract the statements [that person] had filed about Pfaff's sexual misconduct."

According to the complaint, a CBOE attorney ended the deposition "to allow [Gray] the opportunity to retain personal criminal council."

Regarding its own defense, attorneys for the school board recently filed motions to dismiss all claims made against the board in the Ogden Case, including accusations that the board — through the school — misrepresented information about Pfaff's history to the plaintiff.

John Duffy, the lawyer handling the case on behalf of the board of education, said that the "causes of action alleged against the board are either not legitimate ... in the state of Illinois or because the board has immunity for the causes of action alleged."

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In light of what he called the board of education's "Stalingrad defense" during deposition, coupled with the fact that the child cannot testify on his own behalf due to his condition, Ruberry said that he hopes that an examination of the school's emails will illuminate the internal discussions at the school before and after the May 2009 incident.

Ruberry recently requested access to the email accounts of 25 employees at the school — an appeal that the board's defense said would "tie up valuable resources" and "embarrass numerous employees at the Ogden who have nothing to do with the case."

Furthermore, Duffy said, the emails would do little to bolster the complainant's indictments.

"The plaintiff, through his pleadings, has attempted to create an issue about emails," he said. "We deny that there is any such issue or any significant emails."

Duffy and Ruberry are expected to meet with a court-appointed mediator in the coming weeks to discuss inspecting the emails, of which there are over 60,000, according to the defense.

In the meantime, Ruberry said he'll continuing pushing for interviews with teachers, board employees and anyone who may have insight into what took place at Ogden.

"I'm going to depose every single one of them," he said.

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