

A dark week for District 200

Officials hit with \$83 million suit, state cuts grant

Ex-Johnson School family sues district for 2 kids' illnesses

by Jason Block

Just as Johnson Elementary was ready to open its doors for the 1998-99 school year, parents of two former Johnson students filed a lawsuit attempting to close those doors for good.

Janna and Mionir Andrejevic filed an \$83.65 million complaint on behalf of their two daughters—and the entire student body at Johnson—Monday with the federal district court in Chicago. The lawsuit claims that the illnesses that Katherine and Helen Andrejevic suffered in September 1997, which forced them to be removed from school and home-taught, were the fault of Community Unit School District 200.

"They have ignored repeated requests of parents, students and teachers to repair the problems," said Thomas Zimmerman Jr., lead attorney for the Andrejevic family.

Helen was a second-grader at Johnson on Sept. 6 last year when she was hospitalized for three days "and almost died" because of an allergic reaction to the mold in the building, Zimmerman said.

Little sister Katherine also had to be removed from the 8-year-old school a few days after beginning kindergarten after suffering a severe sinus infection and eczema, Zimmerman said. Katherine also testing positive for mold allergies, according to the suit.

Both girls were unable to return to the school because the physical ailments were caused by the "horrendous" conditions at Johnson, the suit said.



Teacher Helene Cella talks to her first grade class about the rain forests at Johnson Elementary Tuesday, the first day of school. Johnson is the subject of a lawsuit being brought against District 200.

Press photo by Mark Busch

As part of the suit, the family is seeking injunctive relief, which would close the "sick school" until the problems are fixed, Zimmerman said. If they are not alleviated, then the parents are asking that the school be closed down and relocated, he said.

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In addition to Helen and Katherine, Zimmerman said the names of 122 students who were sickened by the school's environmental conditions—18 percent of Johnson's student body—are attached to the complaint.

Lawrence Jay Weiner, a lawyer representing District 200, said that the complaint is "specious and frivolous." Johnson School is safe, he said, and there are reports done by experts hired by the district to prove it. He does not believe that the conditions of the school caused the girls' illnesses.

The Andrejevics no longer live in Warrenville, but some 2,000 miles away in San Diego, which just adds to the strangeness of the case, Weiner said.

"I have never seen anything as bizarre as this complaint in 34 years of practicing law," Weiner said. "Nothing even remotely close to an \$83.65 million suit filed on the first day of school so all the parents become upset about their children unnecessarily."

Weiner said district officials are not trying to dispute the fact that Helen had a severe asthma attack, but, rather, the assertion that the school was the cause of the illness.

Denie Young, director of communications for District 200, said that the district was surprised by the complaint because the Board of Education has been very aggressive in dealing with the issues and concerns about air quality at Johnson School.

More than \$600,000 has been spent since the board appointed an indoor air quality team consisting of community members and professionals in environmental engineering last October, Young said. Carpeting has been removed and replaced with tile, leaking pipes have been reinsulated and air flow in and out of the building has been improved since then, she said.

"We are just a little concerned with the timing of this considering the board's aggressive action out there," Young said. "The timing really puts a damper on the opening day and the high expectations students and parents have of going back to school."

The suit had to be filed around this

time because the statute of limitations on the complaint runs out one year after the children suffered the illnesses, Zimmerman said. It was coincidence that it happened to be filed on the day before school started, he said.

"There have been repeated attempts to fix the problems at Johnson and they have all been inadequate," Zimmerman said. "The parents thought enough was enough and they are going to take it to the next level and force the defendants to listen to them and take the appropriate steps."

Weiner and Young both said that it was no accident that the suit was filed on the day before school started.

"I think they filed it [Monday] for sensationalistic purposes," Weiner said. "It served the negative purpose to cause unnecessary concern in the parents of the children that are going to Johnson School."

Of the \$83.65 million being sought in the case, \$33.65 million is in compensatory damages to be divided between the 673 students of Johnson School, Zimmerman said. Each student would receive \$50,000, he said, even though some students were affected more severely than others.

The other \$50 million comes in the form of punitive damages intended to punish District 200 for its "intentional actions" made to hide the problem, Zimmerman said.

Zimmerman said that immediately before a walk-through inspection by the Illinois Department of Labor in April 1997, the district replaced all of the moldy ceiling tiles in an attempt to hide the problem.

Last year's total revenue for District 200 was \$94.8 million, so the family is suing for roughly half that in punitive damages, he said.

Former District 200 Superintendent E. James Travis, Acting Superintendent Mary Curley and several current and former board members are among those named in the suit, Zimmerman said.

At least five or 10 other families have shown interest in joining the suit, he said, "now that they are aware what was causing their kids to get sick."

District 200 will be filing a motion to dismiss the complaint because there is "no legal basis for their complaint," Weiner said.

"No court is going to close the school because the school is safe," Weiner said.