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Parents Sue School for the Deaf Over Student's Rape

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The parents of a former New Mexico School for the Deaf student who was raped in a campus bathroom have sued the school, alleging administrators were already aware of the perpetrator's previous sexual advances.

Jorge Chavez pleaded guilty to a statutory rape charge and sex with a minor last year in connection with the Oct. 18, 2006, attack on the then-15-year-old student.

But the lawsuit alleges school officials were warned of Chavez's sexual aggressions months earlier. "(The student) and her parents had previously put defendants on notice of Jorge Chavez's sexual interest in her and the fact that he had sexually assaulted her," the complaint states. "All were assured that (the student) would be protected."

The suit names as defendants the school itself, superintendent Ronald J. Stern, principal Terry Wilding and school counselor Patrick Ercolino.

Stern said through a spokeswoman Friday that "given the sensitivity and nature of this case, we're not at liberty to comment. However, nothing is more important than the safety of our students."

The complaint contends that then-19-year-old Chavez's advances began in late August 2006 when the victim was in the school library doing a report.

"When she stood up, Jorge signed to her that she was pretty and then accosted her, tried to kiss her, and grabbed her crotch and breasts," the complaint states.

The student informed the school counselor and principal, who told the victim's mother that the incident was serious and steps would be taken to see that it didn't happen again, according to the complaint.

Officials determined the incident was the result of a misunderstanding

stemming from Chavez's belief that he was dating the student, according to the complaint.

But the advances continued.

The day of the assault, the suit states that Chavez grabbed the victim by the arm and led her into a bathroom, where he took off her shirt and raped her, despite her pleas to stop.

Chavez's defense attorney argued during his client's sentencing hearing last year that the sex was consensual.

The attorney, Cindy Turcotte, said Chavez and the girl had been dating for some time and that it wasn't until after the girl spoke with friends following the incident that she decided that she had been raped.

"The state is making (Chavez) out to be a rapist, and he's not," Turcotte said. "It was never a dirty act, never nonconsensual."

At the same hearing, a prosecutor scolded School of the Deaf officials who she said did not originally take the girl's rape claims seriously because "she didn't act like a rape victim."

Chavez was sentenced to three years of probation.

The civil suit was filed in state District Court in Bernalillo last year and transferred to federal court this week. An attorney for the victim's parents declined to comment.

The suit alleges officials didn't properly respond to the victim's reports and failed to create a safe environment for students.

"Deaf children are a vulnerable population, particularly in a setting such as NMSD, where many children reside and some students are as old as twenty-two," the complaint states.

The suit also alleges that the school has a history of "prior incidents of sexual abuse and inappropriate sexual activity perpetrated on its students." The complaint does not describe the alleged previous incidents.