



A L L I A N C E F O R T H E

## Safe, Therapeutic & Appropriate Use of Residential Treatment

### **Follow-Up to Mount Bachelor Academy Abuse Case July, 2011**

On July 6, 2011, nine former students of Mount Bachelor Academy (MBA) filed a lawsuit against MBA, and its parent companies, Aspen Education Group and CRC Health, alleging that they had been subject to emotional, physical, and sexual abuse while residents of MBA. According to an article posted on the KTVZ website, the suit seeks more than \$14 million in compensatory charges. The article indicates that punitive damages will be sought as well.

The plaintiffs in the lawsuit all attended MBA in the late 1990s. According to the KTVZ article, the allegations in the lawsuit are consistent with the findings of the Oregon Department of Human Services, as described in the article above prepared by A START. One of the attorneys in this lawsuit, Kelly Clark, is quoted in the KTVZ article as saying, “This is a watershed moment in exposing organizations that have profited from broken promises to desperate families. We believe that institutions like Mount Bachelor Academy need to be exposed for what they are and held accountable for the permanent damage that they have done to the lives of vulnerable teenagers entrusted to their care.”

Another attorney for the plaintiffs, Peter Janci, is quoted as saying, “Many ‘tough love’ schools have been a breeding ground for abuse—isolating vulnerable kids and subjecting them to debunked so-called ‘treatments’ by unqualified staff, while their parents are kept in the dark and bilked out of tens of thousands of dollars.”

As the A START article indicates, through an agreement reached by the Department of Human Services (DHS) of the State of Oregon, the CRC Health Group, Aspen Education group, and MBA on September 28, 2010, there was a change in the language used in describing the outcome of the MBA abuse investigation that DHS had conducted. The original report of the investigation, released by DHS on November 2, 2009, clearly indicated that “eight allegations of abuse involving five individual students were substantiated against the agency, Mt. Bachelor Academy.” The second report released on September 28, 2010, in an apparent effort to prevent protracted legal action that would be a great expense to the State of Oregon, changed the language to indicate that there was “reasonable cause to believe that abuse or neglect occurred.” In exchange for this change in language from the first to the second report, all parties agreed that all legal actions involving this case were “dismissed with prejudice and without fees or costs to any party and no new or replacement actions will be filed.”

The KTVZ article includes a response from Greg Chaimov, a lawyer representing MBA. In this response, Mr. Chaimov indicates that the past charges of abuse against MBA had been resolved “after abundant evidence was collected that showed the allegations of abuse made to the Department were unfounded.” However, this is a very questionable interpretation of the conclusion stated in the September 28, 2010 report which indicates that, “Based on the evidence available to the Department, the Department found that there is reasonable cause to believe that abuse or neglect occurred,” and does not indicate that the allegations were unfounded. Mr. Chaimov goes on to say that “MBA and its parent companies never condoned or participated in the mistreatment or deprivation of any students.”

This new legal action takes place at the same time as the Lake County, Oregon, attorney general is considering bringing criminal charges from the death of Sergey Blaschishen, who died during a wilderness hike in another Aspen/CRC program, the Sagewalk Wilderness School. As the KTVZ article indicates, the lead sheriff’s investigator on the Sagewalk case recommended that homicide charges be filed by the Lake County district attorney. This death occurred in August, 2009, and two years later there is still no action by the district attorney.

The outcomes of both the legal action against MBA and the investigation of the death at Sagewalk are very significant as efforts continue to better protect youth who are placed, often against their own will, in therapeutic boarding schools, wilderness camps, and other related programs. While both of these cases took place in Oregon, the Aspen Education Group and CRC Health have programs throughout the country, and the resolution of these cases could have important implications for the “troubled teen” industry, an industry that has been the subject of hearings by the U.S. House Education and Labor Committee, and study by the Government Accountability Office. This is indeed, as Mr. Clark indicates, “a watershed moment in exposing organizations that have profited from broken promises to desperate families.”