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Parents of teen who died in Atascadero High School pool sue school district

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Two years ago, Atascadero High School junior John Erlanson slipped beneath the surface of the campus' swimming pool and drowned during a physical education class.

A lawsuit filed against the school district by his parents, Doris and Steve Erlanson of Atascadero, seeks to prevent a similar tragedy from happening to anyone else.

The lawsuit, filed by attorney Shirley Watkins of Michels and Watkins of Los Angeles, asks that the school district hire certified lifeguards to supervise all elementary, middle and high school physical education classes conducted in Atascadero school district swimming pools. It also seeks an unknown amount of financial compensation from the district.

Experts in swimming pool safety agree that lifeguards are the single most important factor in preventing drowning, but California does not require schools to have lifeguards on duty.

Rather, swimming pool safety policies are left up to local school officials.

At the time of Erlanson's death, the Atascadero Unified School District physical education teachers did not require additional water safety training beyond first aid and CPR certification.

San Luis Obispo attorney Clayton Hall, who is representing the Atascadero school district against the claim, said he would not elaborate on the lawsuit because it is still in litigation.

First time in the pool

The May 7 morning that Erlanson drowned was the first time that the 17-year-old had ventured into the swimming pool during the physical education class.

He'd stayed on the sidelines in prior days because he was worried about the roughhousing that went on during the class, Watkins said.

Students interviewed by Watkins said the class was known for its roughhousing and that some of the students called the rowdy group "roiders" because of their bully-like behavior and bad tempers being compared to steroid users.

That day, a fight broke out between two students and the teacher stepped away from the pool deck to reprimand them, she said.

At the time, no other adult was at the pool.

It was a fellow classmate, a girl who was laying on a diving board sunbathing, who noticed Erlanson at the bottom of the pool.

And it was students who swam to the bottom of the 12-foot-deep pool to pull Erlanson to the surface.

No one is sure if Erlanson, who was diagnosed with a seizure disorder years prior to his death, had a seizure prior to drowning.

Watkins interviewed more than 30 witnesses including other students at the pool, district employees and the detectives who investigated his death to gain a better picture of what went wrong.

Some students told Watkins that they noticed Erlanson in the shallow end of the pool exhibiting signs of a seizure such as staring into the distance and tapping his finger.

"But from all the testimony, there seems to be no one who can say what happened between his fingers tapping and the time that he was found at the bottom of the pool," Watkins said.

Watkins alleges that school staff was aware of the disorder and should have done more to protect Erlanson — including creating an individualized education plan to make sure he was adequately supervised both in the swimming pool and in the classroom.

The lawsuit also alleges that the district lacked adequate observation, supervision, safeguards and staff training.

"Had the defendants (district employees) acted in a reasonable manner and had fulfilled their obligation to supervise the decedent, this drowning would not have occurred," the lawsuit states.

Watkins said the tragedy was compounded by the fact that adequate safety equipment was not at the pool.

"It is our understanding that there was no backboard, no breathing barriers and a telephone that apparently didn't work," Watkins said.

Changes after drowning

The Atascadero school district now collaborates with the local chapter of the Red Cross to train Atascadero High students to become certified lifeguards, and uses those students to supervise all physical education classes, according to information obtained from the district's attorney, Hall. The school district updated its pool safety policy shortly after Erlanson's death and also replaced old or faulty equipment such as the backboard, safety flotation devices and a reach pole that is mounted on the wall next to the pool.

Other improvements made include repainting the emergency phone box on the pool deck and deck walls, resurfacing the pool deck and pool flooring and removing or replacing diving boards. Three cameras are also now installed in the pool area.

It is unclear which of the improvements came in response to Erlanson's death.

Superintendent John Rogers declined to comment on the case, citing the pending litigation.

The lawyers for each side of the case will meet for mediation July 7 to try and reach a resolution outside of the courtroom.

The lawsuit initially alleged medical malpractice against Erlanson's neurologist, Debra Balke, but Watkins said the claim has been amended to focus solely on the school district.

"We decided that the main responsibility is with the school district," Watkins said.

Watkins, who has represented other families in school drowning deaths, said her office has also been advocating with local legislators to make lifeguards required at mandatory school swimming classes in California.

"Since these classes are required, they should also be required to make them safe," Watkins said.