

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

REBECCA HARGROVE as Grandmother,)
Guardian and Next Friend of R.S.)
312 Willow Stone Way)
Louisville, Ky. 40223)

PLAINTIFFS

MARK COOKE, as Father, and Next Friend,)
of M.C.)
1292 Urton Lane)
Louisville, Ky. 40243)

Case Number: 3:16-CV-806-DJH

MELODY FINN, as Grandmother and Next)
Friend, and Custodian of K.N.S and R.P.S.)
1202 Brinley Ave.)
Louisville, Ky. 40243)

VICKIE SANTANA, as Mother, Custodian,)
and Next Friend of Z.S.)
2119 Arnold Palmer Blvd,)
Louisville, Ky. 40245)

KIM A. SEEWER, as Mother and Next Friend)
of L.S.)
1707 Bealey Way)
Louisville, Ky. 40245)

-AND-

BETHANY LITTLEFIELD, as Mother,)
Custodian and Next Friend of B.N.J.)
203 Bliss Avenue)
Louisville, Ky. 40243)

VS.

COMPLAINT

JEFFERSON COUNTY BOARD OF)
EDUCATION D/B/A JEFFERSON)
COUNTY PUBLIC SCHOOLS (JCPS))
SERVE: Any Board Member)
VanHoose Education Center)
3332 Newburg Road)
Louisville, Ky. 40218)

DONNA HARGENS, SUPERINTENDENT)
 VanHoose Education Center)
 3332 Newburg Road)
 Louisville, Kentucky 40218)
)
 MICHAEL KELLY, PRINCIPAL)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)
)
 JEFFREY MARSHALL, ASSISTANT)
 PRINCIPAL)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)
)
 DIANE ELDER, COUNSELOR)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)
)
 JENNIFER NEUMAN, ASSISTANT)
 PRINCIPAL)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)
)
 DELORES HUGHES, COUNSELOR)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)
)
 -AND-)
)
 HOPE JOHNSON, COUNSELOR)
 Crosby Middle School)
 303 Gatehouse Lane)
 Louisville, Kentucky 40243)

DEFENDANTS

Come the Plaintiffs, in person and by counsel, and for their cause of action, state as follows:

JURISDICTION

1. That jurisdiction herein is based upon 42 U.S.C. Sections 1983, 1988; Title IX of the Educational Amendment of 1972; 20 U.S.C. Section 1681; and the First and the First and Fourteenth Amendment to the Constitution of the United States of America;

2. That the Plaintiffs, at all times relevant hereto, were students at Crosby Middle School of the Jefferson County Public School system and/or Jefferson County Board of Education (hereinafter referred to jointly as J.C.B.O.E.), except for B.N.J. who is still a student at Crosby Middle School.

3. That the Defendants, Jefferson County Public Schools and/or Jefferson County Board of Education, are state entities; and, the other Defendants are employed by J.C.B.O.E. and therefore State Actors. They are sued as State Actors, and also, in their individual capacities, as stated above.

4. That the Defendant, Dr. Donna Hargens, is the Superintendent for the J.C.B.O.E.

5. That the other Defendants are administrators in the J.C.B.O.E. public school system, including but not limited to: Principal, Principals, and Counselors.

6. That all and/or some of the Defendants are by law directed to enforce compulsory attendance laws found in KRS 159.010. Plaintiffs similarly must abide by KRS 159.010, must send the students under their control to a school assigned to them by J.C.B.O.E. are face criminal penalties including jail.

7. That Defendants, Hargens and the J.C.B.O.E have passed, enacted and utilize a student assignment plan wherein they control where these students must attend school; same being Crosby Middle School. Once there, students transfers are seldom allowed. The State entity

and the State Actor(s) forces our Minor Plaintiffs to attend Crosby Middle School without any due process for relief from the horrors they had to endure and/or still enduring.

8. That Plaintiffs have reason to believe that the student assignment plan enacted and now utilized by the Defendants is violative of *Meredith v. Jefferson County Public Schools*, 551 U.S. 701, 127 S.Ct. 2738, 2007, in that African American students are assigned to Crosby Middle School solely because of their race.

9. That the Defendants have an affirmative duty to enforce KRS 158.148, and KRS 158.150. The legislative directives to be carried out by the Defendants are to ensure that no bullying "...disrupts the educational process..." KRS 158.148 (1) (b), "... ensure safe schools..." KRS 158.148 (2) (a), "... The Code shall contain the type of behavior expected from each student, the consequence of failure to obey the standards, and the importance of the standards to the maintenance of a *safe learning environment where orderly learning is possible and encourages* (emphasis added). KRS 158.148 (5) (d);

10. The Defendants failed their duty to enforce these provisions at Crosby Middle School, creating an environment where the school was not safe and a safe learning environment was and is impossible. The defendants' have and do allow an environment of anarchy to reign creating and or increasing the risk of violence and/or serious injury to each of the Plaintiffs herein. The Plaintiffs pleas for help fell on deaf ears, subjecting the Plaintiffs to the special danger that the Defendants created and allow to continue, wherein the Plaintiffs had no alternative for their health and safety and to procure a safe learning environment that allowed by law to transfer to a private and/or parochial school.

Plaintiff Rebecca Hargrove on behalf of R.S.

11. That the Plaintiff, Rebecca Hargrove as Grandmother, Custodian, and Guardian of R.S., whose date of birth is XX/XX/2005, brings this action in behalf of R.S. who was subjected to the following conduct at Crosby Middle School of the J.C.O.B.E.

12. That at all times herein, the Defendants have an affirmative duty to maintain a safe learning environment and protect R.S. from harm.

13. That, in spite of consistent if not daily requests to protect RS from the tragedy of bullying occurring to RS, the Defendants did nothing.

14. That by appearance alone, the Defendants knew and or should have known that RS was vulnerable to the predator aggression of the uncontrolled bullies at Crosby Middle School.

15. That R.S. endured and suffered daily bullying, included but not limited to:

- a. name calling, teasing: gay, dumb, stupid, fagot
- b. flipped him off
- c. pushed him down the stairs
- d. A. picked him up and threw him down the stairs
- e. shoved in locker
- f. Out of school, teased that they were happy that they thought he had died
- g. K. punched him in the stomach
- h. K. said nasty thing about his Mom who has passed away
- i. K. wanted his shoes and hit him
- j. K. punched him 3 times in the stomach (RS did try to punch back)
- k. K. headlock punches to the face

1. K. stalked him into another room and hauled off with all his force and punched him in his jaw;

m. Struck R.S. with band stand

16. That as a result of the bullying in addition to constant terror, RS. had the following medical and/or psychiatric care:

a. January Wellstone for extreme depression and anxiety. (see: "f" above)

b. Tim Peters M.D., Psychiatrist

c. April 22, 2016, Kosair Emergency Room,

17. That the Defendants had an affirmative duty to exercise ordinary and reasonable care for the safety of R.S.; and, further that Defendants had an affirmative duty to R.S. to take all reasonable steps to prevent foreseeable harm to her by students, mandatorily placed under her supervision and care. In failing to do so, they created and sanctioned a special danger to R.S. which was a substantial factor that resulted in the injuries and requested damages cited above and hereinafter.

18. That the preventable and foreseeable injury throughout the school year did cause R.S. to suffer serious personal injuries, for which medical treatment was required, and further causing significant pain and suffering, horrific fright and mental anguish; and to seek safety and an appropriate educational environment in a private school. "...Every student should have access to a safe, secure, and orderly school that is conducive to learning..." 161.180, 158.148 (1) bullying, 158.150, and K.R.S. § 525.070. That on a daily basis, the Defendants failed to provide a safe secure and orderly environment for RS. What they did provide was a living Hell.

19. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, R.S. was deprived of his civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Medical expenses;
- b. Pain and suffering, mental anguish,
- c. Psychiatric expense
- d. Private schooling tuition and costs where RS is entitled to have by law

have a safe, secure and orderly school that is conducive to his learning 2016 forward.

Plaintiff Mark Cooke on behalf of M.C.

20. That the Plaintiff, Mark Cooke is the Father, Custodian, and Next Friend of M.C., a minor, whose date of birth is XX/XX/2003.

21. That at the time of the horror, fear, and injuries complained of herein, M.C. was an eighth-grader at Crosby Middle School of J.C.B.O.E. in Louisville Metro., Jefferson County, Kentucky;

22. That at the time of the injuries complained of herein, Defendant, Jennifer Neuman was a J.C.P.S. employee, Assistant Principal, at Crosby Middle School. Neuman is sued in her individual capacity. That Dr. Donna Hargens is superintendent for the JCPS, and has been on notice of the anarchy at Crosby Middle School since at least September 16, 2016 that she should do something at Crosby Middle School before someone is seriously injured and/or killed.

23. That at all times herein, the Defendants have an affirmative duty to maintain a safe learning environment and protect M.C. from harm.

24. That at all times herein, M.C. and the Plaintiff complained to Defendants Kelly, and Neuman as to M.C. being bullied, struck, verbally abused, harassed by two other 8th grade

female students including but not limited to October 12, 2016. That, in spite of consistent if not daily requests to protect M.C. from the tragedy of bullying occurring to M.C., the Defendants did nothing.

25. That Assistant Principal and Defendant, Neuman, in spite of knowing the dangerous propensities of these two girls and their friends—gang—they were associated with spoke to the two girls the morning of October 14, 2016; to ensure the safety of M.C.

26. That M.C. was an office helper. That approaching lunchtime, she left the office and proceeded down the hall toward the lunchroom; when she was savagely attacked by a male student inflicting horrific injuries leaving her a bloody mess on the floor.

27. That upon information and belief, the attacker was a friend and/or boyfriend of one of the two girls brought to the office to make sure M.C. was safe.

28. That as a result of the unprovoked assault, and the constant terror on a daily basis, M.C. suffered injuries, incurred medical expenses, and has been unable to return to school.

29. That Defendant, Jennifer Neuman, cried when she saw the bloody mess M.C. had become. Defendant, Neumann in an attempt to take care of the matter, failed to properly discipline the bullies, creating an even worse special danger causing M.C. to have the hell beat out of her.

30. That Defendants failed to exercise ordinary and reasonable care for the safety of M.C. and further that Defendants failed to take all reasonable steps to prevent a foreseeable harm to M.C. Defendant, Neuman, actually placed M.C. in harm's way when she called in the two other female students to make sure they did not bully M.C. again.

31. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, M.C. was deprived of her civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Medical expenses;
- b. Pain and suffering, mental anguish;
- c. Psychiatric expenses;
- d. Private schooling tuition and costs where M.C. is entitled to have by law a

safe, secure and orderly school that is conducive to her learning environment.

Plaintiff Melody Finn on behalf of K.N.S. and R.P.S.

32. That Melody Finn is the custodial Grandmother, and Next Friend of her two minor granddaughters, K.N.S., whose date of birth is XX/XX/2003, and R.P.S. whose date of birth is XX/XX/2005, and brings this litigation against the Defendants, Kelly, Neumann, and Hughes, for what K.N.S. had to endure from 2014 through August 21, 2016, and what R.P.S. had to endure from the start of school in 2016 through August 21, 2016 because the anarchy was continuing and immediately affected R.P.S.

33. That K.N.S. was a straight-A student at Hite Elementary of the Jefferson County Public School District, and that at Crosby Middle School, was subjected to continuous bullying, causing her grades immediately began to suffer. That Plaintiff Finn and K.N.S. complained to Defendant, Counselor Hughes, who ignored their requests for help, telling them that she did not want to see them in here again. When K.N.S. complained and requested a transfer out of her home room class because of one of the bullies being therein present, Defendant Hughes sent her back to class and forced her to sit next to the bully she complained about. There was no hope, just violence. Defendant, Hughes, committed an affirmative act that increased the risk of danger

that exposed K.N.S to additional acts of violence. By forcing her to sit next to her attacker, this State Actor created a special danger; instead of being in Hell, she was sitting right next to Hell.

34. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, K.N.S. was deprived of her civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Medical expenses;
- b. Pain and suffering, mental anguish;
- c. Counseling, psychological, and psychiatric expenses;
- d. Private schooling tuition and costs where K.N.S. is entitled to have by law

a safe, secure and orderly school that is conducive to her learning environment.

35. That R.P.S. had just begun the 6th Grade at Crosby Middle School. She witnessed first-hand the anarchy and/or lack of control that continued in the hallways between classes and in the entire school. She decided she would “try to fit in”. She went to an afternoon dance. As she was bending over to get a drink of water, she heard catcalls asking her to bend over more, so they could see some more white tail or because she had a nice white tail; or words to that effect. On the dance floor, girls her age were twerking the male students and pulling their pants down. The assigned school supervisor did nothing. That R.P.S. never experienced anything like this, and was scared that something would happen to her. She knew she did not want to stay at Crosby and let it happen.

36. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendant, R.P.S. was deprived of her civil rights to a safe learning environment and was a victim of the worst kind of sexual harassment because of her gender and her race all in violation

of Title IX of the Education Act of 1972, and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Mental anguish;
- b. Counseling, psychological, and psychiatric expense, if any;
- c. Private schooling tuition and costs where K.N.S. is entitled to have by law

a safe, secure and orderly school that is conducive to her learning environment, and free of lewd sexual harassment, and racial animus.

- d. Damages allowed by law for sexual harassment and discrimination.

Plaintiff Vickie Santana on behalf of Z.S.

37. That Vickie Santana is Mother and Next Friend of Z.S. whose date of birth is XX/XX/2003.

38. That Z.S. was a student at Crosby Middle School from August, 2014 – December, 2015, and during that time Z.S. had to endure:

- a. constant bullying,
- b. constant threats to fight,
- c. attempts to stealing his clothes, and/or stealing his clothes,
- d. shirt /clothes being ripped
- e. being punched,
- f. being kicked,
- g. being called vulgar names

39. That constant complaints were made to Defendants, Kelly, Neuman, and Hughes, and others.

40. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, Z. S. was deprived of his civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Medical expenses;
- b. Pain and suffering, mental anguish;
- c. Counseling, psychological, and psychiatric expenses;
- d. Private schooling tuition and costs because Z.S. is entitled to have by law

a safe, secure and orderly school that is conducive to her learning environment.

Plaintiff Kim Seewer on behalf of L.S.

41. That Kim Seewer brings this litigation in behalf of her minor son, L.S., date of birth XX/XX/2004 who was a student at Crosby Middle School from August, 2015 through December, 2015.

42. In a short five months, L.S. Had to endure:

- a. being robbed of a clipboard he was taking to the office, for which a complaint was made, no follow up;

- b. being robbed of \$20.00, for which a complaint was made. Defendants failed and/or did not care enough to look at video evidence believed to document that same, or to investigate who committed either the first or second robbery, thereby increasing the risk of this special danger to L.S.

- c, inappropriate cursing in class and in the hallways between classes. Anarchy reigns supreme.

- d. bullying and humiliation of L.S. in the lunchroom.

e. Bully C.W. pulled L.S. arms back until L. S. thought his arms were going to break. Teachers present did nothing, once again escalating the danger to L.S.

f. Bully, C.W. pulled L.S. out of his desk, and continued to punch him. Other friends of C. W. held L. S. down to continue to allow C. W. to pummel L.S. Because L.S. tried to punch and or push him away spite of all of the complaints made to the defendants L.S. was also going to be suspended.

g. Bully C.W. turned his watch around and once again assaulted L.S. by hitting him in the eye.

h. Requests to transfer him at least out of class away from the. C.W. were all denied.

i. That L.S.'s grades suffered, and that she was too scared to go to school, and emotionally distraught.

j. Following complaints to the defendants they would bring in C.W. to try and stop the beatings which would result in L.S. getting beat up again.

43. This was nothing less than total and complete educational abuse. In order to save his life and secure a safe learning environment, with very little funds to do so, Plaintiff was forced to remove L.S. from Crosby Middle School. If others had committed this type of educational, physical, and emotional abuse to L.S., he would have been removed and Plaintiff sent to jail.

44. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, L.S. was deprived of his civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

a. Medical expenses;

- b. Pain and suffering, mental anguish;
- c. Psychiatric expenses;
- d. Private schooling tuition and costs where M.C. is entitled to have by law a safe, secure and orderly school that is conducive to her learning environment.
- e. Loss of a year of school because he was one year behind at his private school.

Plaintiff Bethany Littlefield on behalf of B.N.J.

45. That Bethany Littlefield is the mother and Next Friend of B.N.J., whose date of birth is XX/XX/2004. That B.N.J. continues to attend Crosby Middle School, because Plaintiff herein is unable to afford any other type of schooling other than public school.

46. That on a daily basis, B.N.J. continues to endure:
- a. uncontrolled classrooms
 - b. uncontrolled cursing
 - c. uncontrolled violence and/or threats of violence in the hallways and bathrooms and lunchroom
 - d. being the victim of pushing shoving and punching
 - e. being verbally abused at all times
 - f. being tripped and/or pushed down the stairs on a frequent basis.

47. That this Plaintiff has continued to complain to the Defendants herein especially Principal Kelly. That Plaintiff has further requested that the J.C.O.B.E. transfer B.N.J., but that all requests to transfer schools were denied.

48. That due to the foregoing abuse, in October, 2016, B.N.J. was provided a bodyguard to get him safely from one class to another without serious injury. Even the

defendants admit by this action that they are fully aware that their school is unsafe and is incapable of providing safe learning environment.

49. That as a direct result and/or as a substantial factor of the reckless indifference of the Defendants, B.N.J. was deprived of his civil rights to a safe learning environment and is entitled to recover from said Defendants for the following damages, including but not limited to:

- a. Medical expenses;
- b. Pain and suffering, mental anguish;
- c. Psychiatric expenses;
- d. Private schooling tuition and costs in the future where B.N.J. is entitled

to have by law a safe, secure and orderly school that is conducive to her learning environment.

50. That the rights of the Plaintiffs are also protected pursuant to Section 5 of the Constitution of the Commonwealth of Kentucky "...; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; . . . "

51. That Crosby Middle School has been continuously a failing school. In addition to the anarchy, the minor Plaintiffs are forced to attend a failing school.

52. That Defendant, Donna Hargens, Superintendent, had vehemently stated that the safety of our students in our number one priority, and Plaintiffs give her an F grade as it applies to Crosby Middle School. See: Exhibit 1

53. That in addition to the paragraphs set out above, the core values of Defendant, J.C.P.S., are that "... All JCPS children are nurtured as if they are our own..." established a special relationship with the J.C.P.S. students including the minor Plaintiffs herein.

54. That Crosby Middle School prides itself as being a "...relevant and rigorous instruction that prepares and inspires students to be productive citizens and future leaders..."

“Crosby Middle School is a great place to learn.” That Defendants have strongly breached their agreement with the Plaintiffs of assurances of a good quality education, and a safe learning environment.

55. That Plaintiffs have reason to believe that Crosby Middle School has capacity for approximately 900 students, but over 1400 students currently attend. That Crosby Middle School has been or is being currently cited by the Fire Marshall for having too many students in the school.

56. That every student including the Plaintiffs, herein, are deprived of their civil rights pursuant 42 U.S.C. 1983, *et seq.*, when their emotional well-being and physical safety are threatened on a daily basis; when they are only trying to obtain a public education that they must mandatorily attend.

WHEREFORE, Plaintiffs, Rebecca Hargrove, as Grandmother, Guardian, and Next Friend of R.S., Mark Cooke, as Father and Next Friend of M.C., Melody Finn, as Grandmother, and Next Friend and Custodian of K.N.S. and R.P.S., Vickie Santana as Mother and Next Friend and Custodian of Z.S., Kim A. Seewer, as Mother and Next Friend of L.S., and Bethany Littlefield as Mother and Next Friend of B.N.J., demand judgment against the Defendants, Jefferson County Public Schools, Jefferson County Board of Education and Dr. Donna Hargens, Superintendent, Michael Kelly, Principal, Jeffrey Marshall, Assistant Principal, Diane Elder, counselor, Jennifer Neuman, Assistant Principal, Delores Hughes, Counselor, and against Hope Johnson, Counselor, jointly and severally liable, as follows:

1. A finding of deprivation of the Plaintiffs’ civil rights pursuant to 42 USC 1983, 1988, *et seq.*; Title IX of the Educational Amendment of 1972; 20 USC Section 1681; the First

and Fourteenth Amendment to the Constitution of the United States of America; and all applicable constitutional provisions of the Constitution of the Commonwealth of Kentucky.

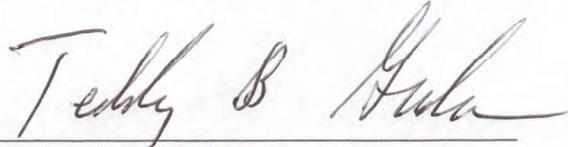
2. Injunctive relief for B.N.J. for the continued deprivation of his civil rights on a daily basis at Crosby Middle School pursuant to 42 U.S.C. 1983, *et seq.*;

3. Damages both actual, incidental, punitive and/or exemplary where allowed by law divisible to the individual Plaintiffs in a sum not to exceed \$5,000,000

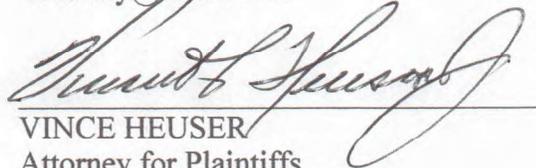
4. Attorney's fees where allowed by law.

5. All court costs herein expended.

6. Any and all other relief to which the Plaintiffs may appear entitled.



TEDDY B. GORDON
Attorney for Plaintiffs
807 West Market Street
Louisville, Kentucky 40202
(502) 585-3534
Tbearaty@AOL.com



VINCE HEUSER
Attorney for Plaintiffs
3600 Goldsmith Lane
Louisville, Kentucky 40220
(502) 479-0645



ANDREW E. MIZE
Attorney for Plaintiffs
807 West Market Street
Louisville, Kentucky 40202
(502) 445-0804
MizeEsq@Gmail.com



PETER J. JANNACE
Attorney for Plaintiffs
807 West Market Street
Louisville, Kentucky 40202
(646) 783- 9810
Peter.Jannace@Gmail.com

VERIFICATION

I, REBECCA HARGROVE as Grandmother, Guardian and Next Friend of R.S., state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

REBECCA HARGROVE, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, REBECCA HARGROVE, on this _____ day of December, 2016.

My commission expires: _____

NOTARY PUBLIC, State At Large, Kentucky

I, MARK COOKE, as Father, and Next Friend, of M.C., state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

MARK COOKE, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, MARK COOKE, on this _____ day of December, 2016.

My commission expires: _____

NOTARY PUBLIC, State At Large, Kentucky

I, MELODY FINN, as Mother and Next Friend, and Custodian of K.N.S and R.P.S. state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

Melody Finn
MELODY FINN, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, MELODY FINN, on this 15 day of December, 2016.

My commission expires: October 3, 2020

Teddy B. Hark
NOTARY PUBLIC, State At Large, Kentucky

I, VICKIE SANTANA, as Mother, Custodian, and Next Friend of Z.S. state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

Vickie Santana
VICKIE SANTANA, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, VICKIE SANTANA, on this 15 day of December, 2016.

My commission expires: October 3, 2020

Teddy B. Guck
NOTARY PUBLIC, State At Large, Kentucky

I, KIM A. SEWER, as Mother and Next Friend of L.S. state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

Kim A. Sewer
KIM A. SEWER, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, KIM A. SEWER, on this 15 day of December, 2016.

My commission expires: October 3, 2020

Teddy B. Guck
NOTARY PUBLIC, State At Large, Kentucky

I, BETHANY LITTLEFIELD, as Mother, Custodian and Next Friend of B.N.J., as Mother and Next Friend of L.S. state that I have read the allegations contained in the foregoing Complaint, and that the statements contained herein are true and correct, as I verily believe.

Bethany Littlefield
BETHANY LITTLEFIELD, Plaintiff

SUBSCRIBED AND SWORN to before me by the Plaintiff, BETHANY LITTLEFIELD,
on this 15th day of December, 2016.

My commission expires: October 3, 2020



NOTARY PUBLIC, State At Large, Kentucky



Unwrap a subscription for our lowest price ever:

\$4.99/YEAR

UNWRAP MY SAVINGS
(HTTPS://SUBSCRIBE.COURIER-JOURNAL.COM/SUBSCRIBE/?PRODUCTID=3772854&GPS-SOURCE=BENBAR499&UTM_MEDIUM=OVERLAY&UTM_SOURCE=BOUNCE-EXCHANGE&UTM_CAMPAIGN=BENBAR499&UTM_CONTENT=NANOBAR)

Hargens: JCPS takes safety in schools seriously

Donna M. Hargens 3:15 p.m. EST November 11, 2015



(Photo: The Courier-Journal)

One of the greatest benefits provided by public schools is the rich, diverse experience that students gain in an environment where each individual child is expected to grow academically and achieve certain standards.

Jefferson County Public Schools operates on the foundational understanding that *every child matters*. That means JCPS must provide both the class time and the additional supports every student needs to succeed in school and graduate prepared to reach his or her full potential and contribute to our society throughout life.

It also means that teachers, counselors and administrators in our schools teach both academics, but also soft skills, such as how to get along, work in a team, respond productively to stress and disappointment, and celebrate successes appropriately. Behavioral lessons are critical to the success of every student, and to the safety of our schools, which is JCPS's highest priority.

We know that students and teachers can focus on learning *only* when they feel safe.

JCPS has many programs and resources in place to proactively guide student behavior and to respond when students make poor behavior choices that might endanger safety. I want to share this information with the community to correct any misperception that may exist about how seriously we take safety in our schools, and to underscore JCPS' commitment to creating a safe environment in which both teachers and students can perform at their best.

Training and education:

Several times each year, JCPS provides training for teachers and staff in a variety of areas to build their capacity for working successfully with students, mitigate misbehavior and to integrate behavioral instruction into curriculum.

This training includes classroom management, cultural competency, de-escalation techniques and restorative practices. We have begun implementation of Positive Behavioral Intervention and Supports, an evidence-based framework that emphasizes use of the most positive approach to addressing problem behaviors. Professional Learning Communities are groups of teacher leaders who put their training to work in discussing solutions to behavior issues, such as moving a student to a new classroom or providing additional training.

The JCPS choice system, which offers a wide range of magnet and optional programs to engage students and tap into their interests and learning styles, is also an important part of this element. A student who is excited about coming to school is likely to behave well.

And this year, JCPS began a Compassionate Schools Project pilot program in three schools, incorporating lessons about empathy and mindful decision-making into traditional school curriculum.



THE COURIER-JOURNAL

Charter schools opposed in JCPS agenda

[http://www.courier-journal.com/story/news/education/2015/11/09/jcps-board-](http://www.courier-journal.com/story/news/education/2015/11/09/jcps-board-approves-legislative-priorities/75451944/)

[approves-legislative-priorities/75451944/](http://www.courier-journal.com/story/news/education/2015/11/09/jcps-board-approves-legislative-priorities/75451944/)

Environmental design:

Signs and fencing, controlling access to schools by keeping doors locked and requiring visitors to sign in and wear badges, and surveillance elements such as adequate lighting, unobstructed windows and video cameras are among the measures JCPS implements in this category.

courier-journal
PART OF THE USA TODAY NETWORK

Unwrap a subscription for our lowest price ever.
\$4.99/YEAR

Systems and policies:

This element includes procedures, integrated systems that support security, and safety personnel, including the JCPS Security team, School Resource Officers (in-school professionals with law enforcement authority), mental health counselors, Student Response Teams and coaches, and PBIS coaches.

The JCPS Code of Conduct, (<http://www.jefferson.kyschools.us/Pubs/codeofconduct.pdf>) read and acknowledged by every student and parent or guardian, sets out student and expectations and consequences by grade level and severity. The goal is to ensure proportionate consequences for inappropriate or unsafe behavior, and to correct or teach replacement behavior while minimizing lost time for learning. Certain dangerous behaviors result in suspension or referral to an alternative school *at a minimum*.

Under this Board-sanctioned Code, no one is permitted to choose a different response for the sake of appearances. So far in 2015, student suspensions are up about 8 percent, while the total days of suspension are down about 5 percent. JCPS suspends students when warranted, but also works to minimize lost class time for learning.

JCPS operates three Success Pathways schools, alternative schools with tighter controls, a higher staff-to-student ratio and extra supports. Students with problem behavior issues assigned to one of these schools have an opportunity to learn replacement behaviors and appropriate responses in an environment where they are not a danger to themselves or others. When they meet certain requirements, we celebrate with these students as they are paired with a mentor and return to their chosen school. Students in these schools are held to the same behavior and academic standards as students at every other school in JCPS, in keeping with our standard that students can be proficient at every JCPS school.

Teachers' safety perception:

Each year, JCPS conducts an anonymous survey of parents and staff that includes questions about safety. The responses indicate that JCPS is doing the right things to ensure safety. The spring 2015 Comprehensive School Survey found that more than 92 percent of teachers feel safe and secure at their schools. The survey results, both district-wide and by individual school, are on the JCPS website (<http://www.jcpsky.net/Departments/AcctResPlan/SurveyResultsPreface.htm>).

Teaching is not an easy job. It requires a commitment to the success of each child in your care. I have tremendous admiration for the nearly 6,500 teachers at JCPS who make that commitment every day.



THE COURIER-JOURNAL

Survey: 86% Minor Daniels teachers feel unsafe

(<http://www.courier-journal.com/story/news/education/2015/10/12/survey-86-minor-daniels-teachers-feel-unsafe/73815342/>)

Community role:

The root causes of student behavior develop both within and far beyond the walls of JCPS buildings. They include culture, family life, physical and mental health, and the level to which a student's physical and emotional needs are met. JCPS central staff, administrators, teachers and support personnel are constantly working to learn, model, teach and support successful behavior.

Parents, employers and other members of the community serve as role models for student behavior as well. Let's work together to ensure that what students learn in school reinforces what they should be learning elsewhere in their lives: the importance of taking responsibility for our behavior and holding ourselves accountable for its impact.

Donna Hargens, Ed.D., is superintendent of Jefferson County Public Schools.

Read or Share this story: <http://cjky.it/1NLCB4d>