

peers harassed her because of her gender expression. Perceived by others as gender-variant, students and/or District staff called her “it,” “he/she,” and “freak.” One teacher refused her access to the girls’ restroom and made her use the boys’ restroom instead. Another teacher made D.H. sit in the middle of the room during a class when students were split into groups of boys and girls because, according to her, D.H. was an “in between it.” Despite knowing D.H. for at least several weeks, teachers made comments such as, “He/she cannot go to the restroom,” “I

7. Despite having actual notice of the severity of the harassment she faced, the District failed to alleviate the harassment and in fact, continued its pattern of targeting D.H. and punishing D.H. when she attempted to defend herself.

8. Other students who are gay and/or dressed in a gender-variant fashion were subjected to similar harassment by peers and staff, and were also harshly disciplined. A gay male student was

asked to use the restroom because students threatened to attack him, and he was physically

1. Defendant Payton stated he would not follow the case manager's guidelines because

“when you are in my school, you follow my lead since I allow you to be here.”

11. Defendant Payton's hostility to D.H., including his refusal to address reported harassment, culminated in March 2012 when he told her “I don't want a dyke in this school,” and

Jurisdiction is also proper under 28 U.S.C. §§ 2201-2202 because Plaintiff seeks a declaration of her federal civil rights.

16. This Court has personal jurisdiction over each of the Defendants because each resides in Mississippi.

17. Venue is proper in this District under 28 U.S.C. § 1391(b) because one or more Defendants resides in the District and because the events giving rise to Plaintiff's claims occurred in the Southern District of Mississippi.

PARTIES

18. Plaintiff D.H. is a 17-year-old female and sues here by and through her next friend, parent, and guardian, Robert Holmes. She identifies as a lesbian. D.H. attended Magnolia Junior High beginning in August of 2011 until March of 2012 and is now a student at Moss Point High School. D.H. is resident of Jackson County, Mississippi.

19. ~~Plaintiff D.H. is a 17-year-old female and sues here by and through her next friend, parent, and guardian, Robert Holmes. She identifies as a lesbian. D.H. attended Magnolia Junior High beginning in August of 2011 until March of 2012 and is now a student at Moss Point High School. D.H. is resident of Jackson County, Mississippi.~~

21. Defendant Maggie Griffin ("Superintendent Griffin") is the current Superintendent of the District and is sued in her official capacity. Pursuant to Mississippi Code § 37-9-69, she has the responsibility of, among other things, enforcing school rules, regulations, and policies. As Superintendent and Chief Executive Officer of the District, she holds policymaking authority for the School District with respect to equal opportunity, anti-harassment, and anti-bullying policies.

Although Superintendent Griffin was not the Superintendent during the occurrence of many of

24. From the moment D.H. entered Magnolia, students and teachers harassed her on the basis of her gender-variant appearance and her sexual orientation. Students and teachers

~~referred to D.H. as "she." Students routinely called D.H. names such as "f---er."~~

"he/she." "wanna-be-bov." and "dyke" in plain view of teachers and school staff up to 20 times a

day.

25. The District was not only indifferent to the peer harassment she faced, but participated

~~in the harassment. One teacher along with students routinely called D.H. "she" and D.H.~~

29. D.H. repeatedly notified the adults around her about the harassment. Specifically, she met with Defendant Payton on several occasions during the Fall of 2011 to report her

~~experiences and nothing changed~~

30. The 1st [redacted] D.H.'s [redacted] in Court of [redacted]

[D.H.] feels like she has no support at the school and is alienated by a majority of the staff.”

part, to the harassment she faced at Magnolia. Despite Mr. H.’s repeated efforts to convince

stopped in a hallway for wearing makeup by the Principal of the High School, Mr. Mumford. In

get back to class." Thus, although District staff and administrators were aware of the harassment

they refused to take action and the harassment continued.

10. DJJ's grandmother and father contacted the District repeatedly, including directly

members assigned to his school. The Principal claimed that he would not give special consideration to an individual in services and when [Mr. H.] brought up the guidelines that we have for our clients, the Principal said that he doesn't

Call _____

Call _____

47. D.H.'s father and grandmother faxed written complaints to the Mississippi Department

[REDACTED]

Mississippi Department of Education referred D.H.'s father back to the District, stating it was a

[REDACTED]

[REDACTED]

that the [redacted] under Defendant's control is [redacted] as the [redacted] alleged [redacted]

all took place within school, during school hours, by students and/or District staff and administrators.

~~62~~ Defendant [redacted] in violation of the [redacted] D.U. Code in violation of

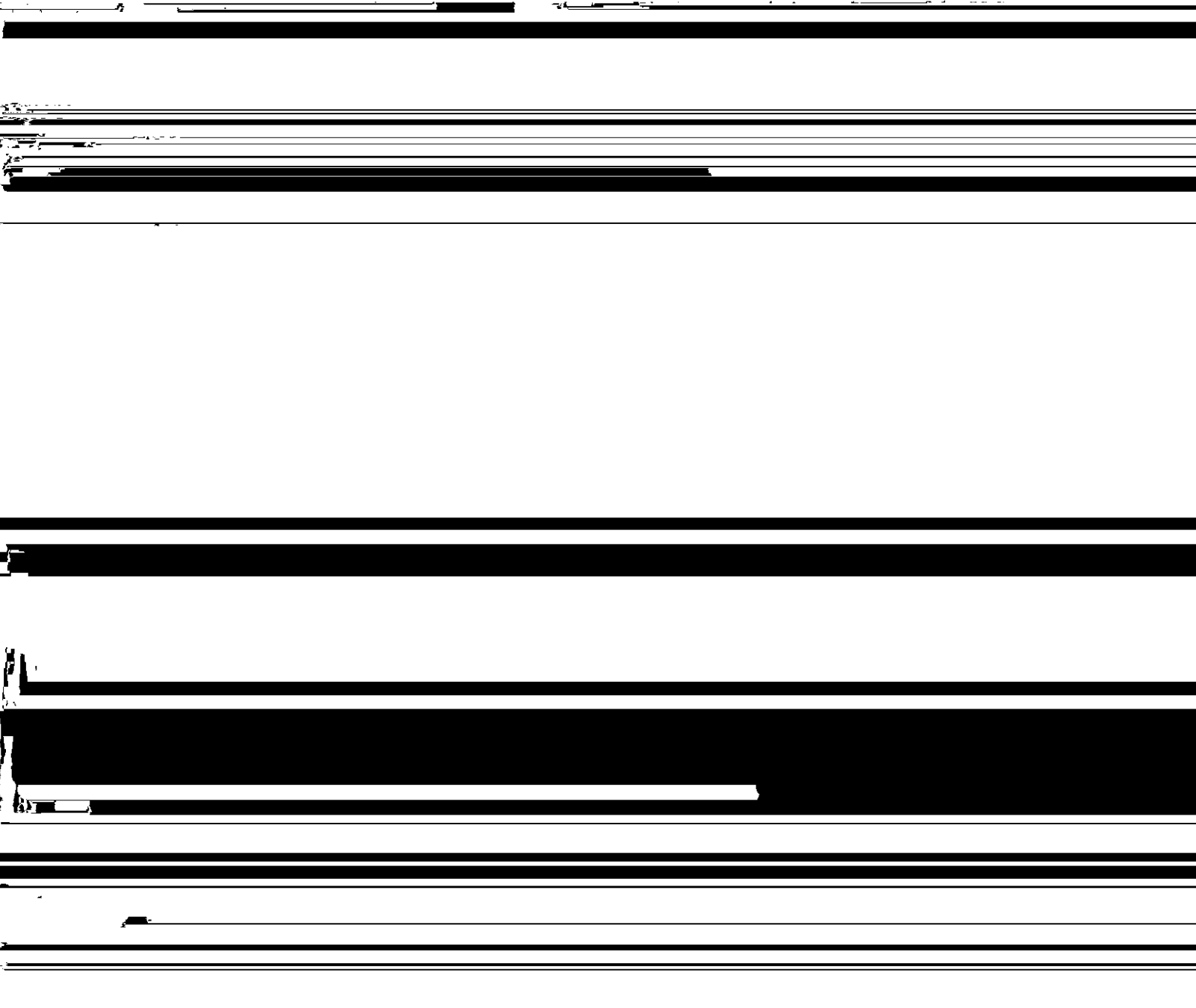
on the account of her appearance, since among other things a teacher excluded her from participation in a class activity, she was denied access to the girls' restroom, and eventually, had to start homeschooling because of the District's continued failure to acknowledge and remedy

the harassment she faced

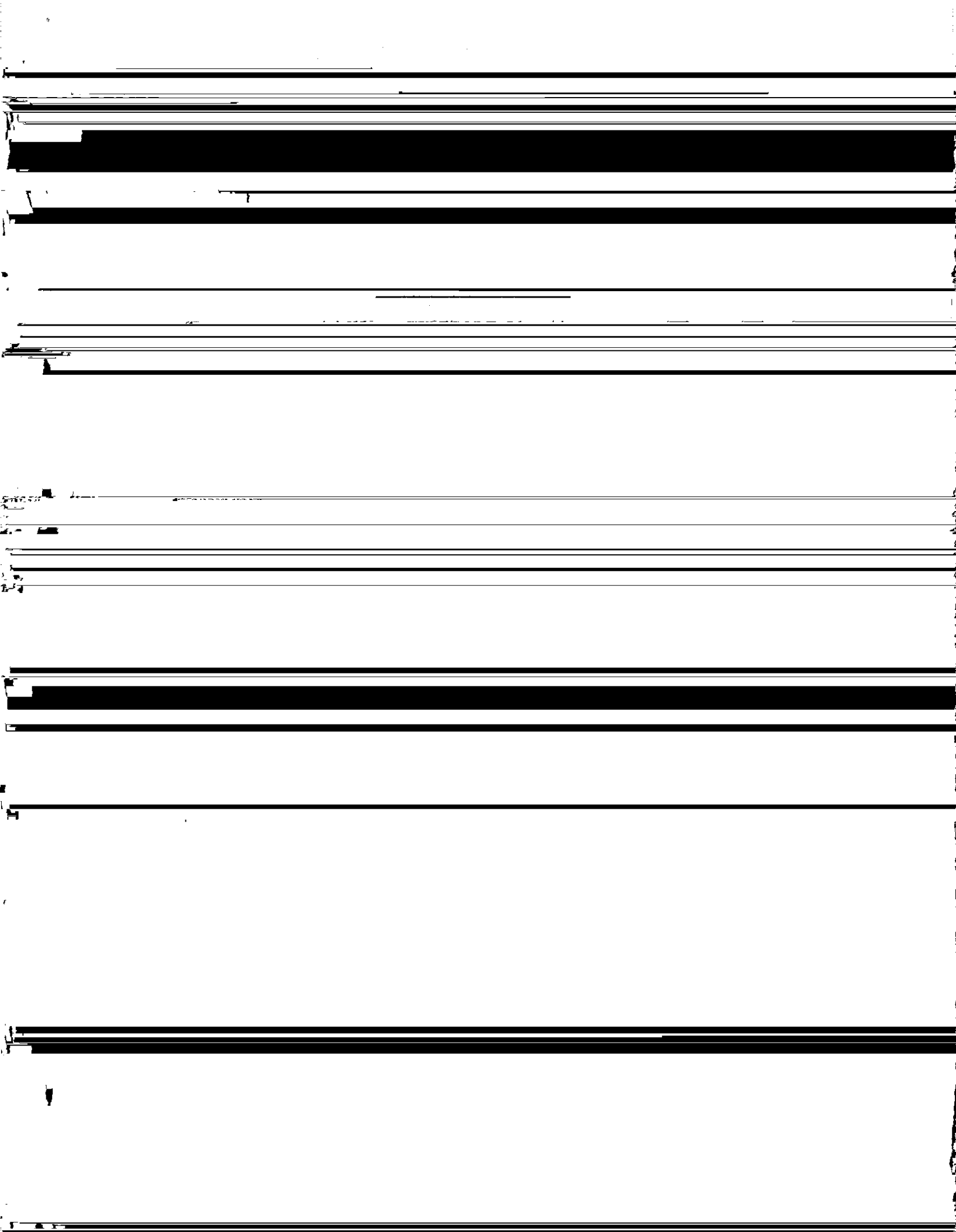
65. On information and belief, Defendants would have taken effective measures to protect D.H. and her educational opportunities if they thought her appearance was gender conforming and she was not a lesbian. Defendants would not have told a male student that he should not

70. Defendants had actual notice that harassment based on sexual orientation was so severe, pervasive, and objectively offensive that it created a hostile climate that deprived D.H. of access to educational programs, activities, and opportunities.

71. Defendants were deliberately indifferent to the harassment D.H. faced based on sexual



Constitution. Defendants also failed to adequately train school staff about any policies prohibiting harassment and discrimination on the basis of actual or perceived sexual orientation.



d. Require Defendants to assign a peer mediator and/or staff member to District

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]