

## **Jury Verdicts and Settlements in Bullying Cases** (December 2016 edition)

As part of Public Justice's [Anti-Bullying Campaign](#), we are tracking jury verdicts and settlements in bullying cases filed against school districts in federal and state courts throughout the country. Each case, organized by state, lists the relief achieved—both monetary and non-monetary—as well as the nature of the harassment, the number of plaintiffs, the basic facts, the causes of action, and the plaintiffs' attorneys. We hope this resource will be helpful to attorneys representing bullied students.

If you are working on, or know of, a bullying case that has resulted in a judgment or settlement, please let us know so that we can include the case on this list. Please send your information to Adele Kimmel, Senior Attorney, at [akimmel@publicjustice.net](mailto:akimmel@publicjustice.net). In addition, if you are interested in obtaining co-counsel or other legal assistance from Public Justice on a bullying case, please contact us. School districts and officials need to comply with the law and respond appropriately to bullying. We want to make sure that they do. For more information, please read our primer, "[Litigating Bullying Cases: Holding School Districts and Officials Accountable.](#)"

### **ALASKA**

#### ***T.F. v. Anchorage School District (Super. Ct. 3d Judicial Dist. 2004)***

- Settlement: \$4.5 million.
- Harassment/Injuries: Verbal and physical harassment; attempted suicide.
- Single Plaintiff.
- Basic Facts: Following repeated bullying by other students, T.F., a 14-year-old eighth grade student, attempted to hang himself and suffered irreversible brain damage. T.F.'s classmates regularly harassed him verbally and physically, pushing him in the hallways, knocking textbooks out of his hands, throwing his clarinet in the trash, and assaulting him in the bathroom.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Dennis Maloney of Anchorage, AK.
- More Information: [http://juneauempire.com/stories/070104/sta\\_details.shtml](http://juneauempire.com/stories/070104/sta_details.shtml).

### **CALIFORNIA**

#### ***Callahan ex rel. Roe v. Gustine Unified School District, 678 F. Supp. 2d 1008 (E.D. Cal. 2009)***

- Settlement: Undisclosed amount.
- Harassment/Injuries: Sexual assault and hazing.
- Single Plaintiff.
- Basic Facts: Upper-class football players sodomized a freshman teammate at a school-sponsored camp by blowing pressurized air through his rectum with a battery-powered air pump. The teammates also groped him in the shower and beat him on the head and face with a pillow case full of heavy objects. After the weekend, the freshman became the target of anti-gay taunts.

- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation; state tort law claims for sexual battery, assault and battery, intentional infliction of emotional distress, negligent supervision, negligent training and negligence per se; California state constitutional claim alleging an equal protection violation; and California statutory claims for gender violence, deprivation of a civil right, freedom from violence, sex discrimination, and vicarious liability of a parent for the willful acts of a minor.
- Plaintiff's Attorneys: Donald Proietti and Kimberly Flores of Allen, Proietti & Fagalde, LLP, Merced, CA.
- More Information: [http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-1\\_07-cv-00796/pdf/USCOURTS-caed-1\\_07-cv-00796-8.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-caed-1_07-cv-00796/pdf/USCOURTS-caed-1_07-cv-00796-8.pdf).

***Doe, ex rel. Denari v. Kern High School District (Kern Cnty. Super. Ct. 2009)***

- Settlement: \$260,000 (\$42,500 from school district; remainder from bullies and parents).
- Harassment/Injuries: Physical assault; hazing.
- Single Plaintiff.
- Basic Facts: Ninth grade student on debate team physically assaulted by teammates. Five upperclassmen on the team encased him from ankles to shoulders in plastic wrap and then bound him tightly with duct tape. Teammates then mocked and threatened him until a trickle of blood began to run from his mouth. On several occasions, the upperclassmen tried to tape him to a wall. After each attempt, he fell to the ground, knocking the wind out of him. Another student urinated on his shirt.
- Cause of Action: State tort law.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.bakersfieldcalifornian.com/archive/x820007988/Exclusive-Bullying-case-costs-families-thousands>

***Doe v. Roe School District, Confidential Dkt. No. (Los Angeles Cnty. Super. Ct. 2012)***

- Settlement: \$1.35 million.
- Harassment/Injuries: Anti-Semitic and anti-gay taunts; attempted suicide.
- Single Plaintiff.
- Basic Facts: Students used anti-Semitic and anti-gay taunts to harass a 14-year old classmate. While the administrators conducted an investigation, the student attempted suicide in the school bathroom. The victim suffered emotional distress and sued the school for failing to suspend the bullies under its zero-tolerance bullying policy.
- Cause of Action: State tort claims.
- Plaintiff's Attorney: David M. Ring, Los Angeles, CA.
- More Information: *Verdicts & Settlements*, TRIAL, Dec. 2012, at 12.

***Doe v. Roe School District, Confidential Dkt. No. (Riverside Cnty. Super. Ct. 2012)***

- Settlement: \$3 million.
- Harassment/Injuries: Sexual assault of special needs student.
- Single Plaintiff.
- Basic Facts: Students raped a 14-year-old special needs child over the course of several months near a bathroom located outside an enclosed area designed to keep the child safe at lunch. The child suffered severe emotional distress.
- Cause of Action: State tort law for negligent security.

- Plaintiff's Attorneys: David M. Ring, Los Angeles, CA; Chris Morey, Costa Mesa, CA.
- More Information: *Verdicts & Settlements*, TRIAL, March 2013, at 10.

***Donovan v. Poway Unified School District*, 167 Cal. App. 4th 567 (Cal. Ct. App. 2008)**

- Jury Verdict: \$300,000 total to two students; judge awarded \$421,357 for attorneys' fees.
- Harassment/Injuries: Anti-gay harassment and physical assault.
- Multiple Plaintiffs (two).
- Basic Facts: A male and female student suffered severe and pervasive anti-gay peer harassment that included death threats; being spit on; physical violence and threats of physical violence; vandalism to personal property; and being subject to anti-gay epithets such as "fag," "faggot," "fudge packer," "dyke" and "fucking dyke." School officials took little or no action in response. Both students dropped out of school and completed their senior years through independent study.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under § 220 of the California Education Code (an anti-discrimination statute).
- Plaintiffs' Attorneys: Brian Chase and Hayley Gorenberg of Lambda Legal in Los Angeles, CA; Paula Rosenstein and Bridget Wilson of Rosenstein, Wilson & Dean, P.L.C. in San Diego, CA.
- More Information: [http://www.lambdalegal.org/news/ca\\_20081010\\_ca-court-upholds-award-to-bullied-high-school-students](http://www.lambdalegal.org/news/ca_20081010_ca-court-upholds-award-to-bullied-high-school-students).

***Flores v. Morgan Hill Unified School District*, 324 F.3d 1130 (9th Cir. 2003)**

- Settlement: \$1 million and injunctive relief.
- Injunctive Relief: Comprehensive training program for administrators, staff, and students to combat anti-gay harassment. See [http://www.aclu.org/lgbt-rights\\_hiv-aids/settlement-fact-sheet-flores-v-morgan-hill-unified-school-district](http://www.aclu.org/lgbt-rights_hiv-aids/settlement-fact-sheet-flores-v-morgan-hill-unified-school-district).
- Harassment/Injuries: Anti-gay harassment, including physical assaults.
- Multiple Plaintiffs (six).
- Basic Facts: Six LGBT students experienced anti-gay harassment over the course of seven years, including physical assaults, anti-gay name-calling, anti-gay vandalism, and anti-gay rumors. School district employees repeatedly ignored or minimized many reports by students that they were being abused because they were gay or perceived to be gay. Some school employees participated in the abuse.
- Cause of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiffs' Attorneys: ACLU of Northern California, the National Center for Lesbian Rights, the ACLU's national Lesbian and Gay Rights Project, and cooperating attorneys Stacey Wexler, Christine Sun, and Jay Kuo of Kecker & Van Nest, LLP in San Francisco, James Emery of San Francisco, Diane Ritchie of San Jose, and Leslie Levy of Boxer and Gerson in Oakland, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_hiv-aids/case-background-flores-v-morgan-hill-unified-school-district](http://www.aclu.org/lgbt-rights_hiv-aids/case-background-flores-v-morgan-hill-unified-school-district).

***Ketchum v. Newport-Mesa Unified School District*, No. 30-2009-00120182-CU-CR-CJC (Orange Cnty. Super. Ct. 2009)**

- Settlement: Injunctive relief and attorneys' fees.
- Injunctive Relief: The school district agreed to provide plaintiff a written apology and institute mandatory training on sexism and homophobia to administrators, teachers, and students.
- Harassment/Injuries: Anti-gay and anti-female cyberbullying; verbal threats and harassment on school grounds.
- Single Plaintiff.

- Basic Facts: Varsity athletes threatened via Facebook to kill and rape the lead actress of a school production of “Rent.” The athletes continued to harass the actress at school and administrators took little action to address the school’s hostile environment for female, gay, and lesbian students.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff’s Attorney: ACLU of Southern California attorneys Hector Villagra, Belinda Escobosa Helzer, Mark D. Rosenbaum and Lori Rifkin; M. Katherine Darmer, Orange, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_womens-rights/aclusc-settles-lawsuit-over-orange-county-high-school-tolerated-homophobia](http://www.aclu.org/lgbt-rights_womens-rights/aclusc-settles-lawsuit-over-orange-county-high-school-tolerated-homophobia); <http://artsbeat.blogs.nytimes.com/2009/09/10/settlement-reached-in-california-high-school-rent-case/>; <http://www.visuality.org/coronadelmarhigh/>.

***Loomis v. Visalia Unified School District*, 262 F. Supp. 2d 1088 (E.D. Cal. 2001)**

- Settlement: \$130,000 and injunctive relief.
- Injunctive Relief: School district was required to revise its anti-harassment policy, train staff and students, place compliance officers at each school, and submit annual incident reports.
- Harassment/ Injuries: Anti-gay verbal and physical assaults.
- Multiple Plaintiffs (one student and statewide Gay-Straight Alliance Network).
- Basic Facts: Loomis experienced anti-gay harassment at school for about five years. His classmates called him “faggot” and “queer,” and there were rumors that he was having sex with a teacher perceived to be gay. When he pierced his ear, a teacher commented tauntingly, “There are only two types of guys who wear earrings—pirates and faggots—and there isn’t any water around here.” His dream was to study at UC Berkeley, but when he complained to the school administration about the harassment, they forced him into an independent study program which was not geared for college-bound students.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations and procedural and substantive due process violations; state law claims under California Education Code and Unruh Civil Rights Act.
- Plaintiffs’ Attorneys: ACLU of Northern California; Kevin Lewis of Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco, CA.
- More Information: [http://www.aclu.org/lgbt-rights\\_hiv-aids/groundbreaking-federal-lawsuit-settlement-school-agrees-strongest-anti-gay-hara](http://www.aclu.org/lgbt-rights_hiv-aids/groundbreaking-federal-lawsuit-settlement-school-agrees-strongest-anti-gay-hara).

***Shaposhnikov v. Pacifica School District*, No. 04-cv-01288-SI, 2006 WL 931731 (N.D. Cal. Apr. 11, 2006)**

- Settlement: School district settled on unknown terms; parents of students who harassed the plaintiff settled for \$100,000.
- Harassment/Injuries: Anti-gay physical and verbal harassment due to perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: Plaintiff, a competitive dancer, endured repeated anti-gay slurs and physical harassment for two years in middle school. School took little action in response to plaintiff’s complaints. Plaintiff sued school district and parents of alleged bullies. On summary judgment, the court dismissed plaintiff’s Title IX and equal protection claims, but allowed the parties to

brief the remaining state law claims. Before the briefs were filed, the school district settled for an undisclosed amount.

- Causes of Action: Title IX claims for deliberate indifference to sexual harassment and for retaliation; claim under 42 U.S.C. § 1983 for equal protection violations; state tort law claims, including negligence, fraud, intentional infliction of emotional distress; breach of contract claims; California statutory claims, including a claim under the Unruh Civil Rights Act and a claim under § 48900 of the California Education Code (grounds for suspension or expulsion).
- Plaintiff's Attorneys: Paul Joseph Smoot and Robert M. Desky of Anderlini, Finkelstein, Emerick & Smoot, San Mateo, CA.
- More Information: <http://www.chron.com/news/nation-world/article/Parents-settle-suit-for-alleged-bullying-by-their-1580253.php>.

***Shimizu v. Folsom Cordova Unified Sch. Dist. (Sacramento, CA)***

- Settlement: \$1,000,000 (pre-suit).
- Harassment/Injuries: Homophobic verbal and physical harassment/assaults. Forced into homeschooling and eventually committed suicide.
- Single plaintiff.
- Basic Facts: Boy subjected to constant and pervasive verbal bullying and physical harassment and assaults, due to perceived homosexuality for five years.
- Cause(s) of Action: Unknown.
- Plaintiff's Attorney(s): Mark Merin, Law Office of Mark E. Merin, Sacramento, CA.
- More information: <http://www.sacbee.com/news/local/education/article33811815.html>.

***Smith v. Menifee Union School District, No. RIC1103951 (Riverside Cnty. Super. Ct. 2011)***

- Settlement: \$25,000.
- Harassment/Injuries: Physical and verbal harassment.
- Multiple Plaintiffs (two).
- Basic Facts: A nine-year-old boy experienced physical assaults and verbal harassment that included a death threat in front of his eight-year-old brother. Witnessing the harassment triggered symptoms of a chronic condition the younger brother had. The boys' parents sued the school district for its alleged failure to protect their children.
- Causes of Action: State tort law claims for negligence and negligence per se alleging failure to protect children and failure to train and instruct staff members on how to respond to bullying.
- Plaintiffs' Attorney: Morton J. Grabel, Hemet, CA.
- More Information: <http://www.utsandiego.com/news/2013/jan/25/menifee-education-settlement-bullying-lawsuit/>.

***Walsh v. Tehachapi Unified School District, No. 11-cv-1489 (E.D. Cal. 2014)***

- Settlement: \$750,000 and injunctive relief.
- Injunctive relief: School implemented anti-harassment curriculum and updated procedures for reporting and investigating bullying. Lawsuit also caused the state legislature to pass the Safe Place to Learn Act, which requires school districts to address harassment based on sexual orientation, gender identity, and gender expression in school anti-discrimination policies.
- Harassment/Injuries: Severe verbal and physical anti-gay harassment leading to suicide.
- Single Plaintiff.
- Basic Facts: Seth Walsh was a thirteen-year-old gay middle school student who experienced daily taunts and physical harassment because of his sexual orientation. The names included

“fag,” “faggot,” “homo,” and “it,” among others; and the physical harassment included pushes and shoves, and inappropriate sexual touching. It was a common expression at school to say, “That’s gay, but not as gay as Seth.” The harassment allegedly caused Seth to commit suicide.

- Causes of Action: Claim under Title IX claim for deliberate indifference to sex-based harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation; claims under state civil rights statutes; and claim alleging violation of mother’s right to family relationship and companionship.
- Plaintiff’s Attorney: Daniel Rodriguez, Bakersfield, CA.
- More Information: <http://www.bakersfield.com/news/2014/06/04/seth-walsh-case-settled-for-750-000.html>.

## **COLORADO**

### ***Stewart v. Board of Trustees for Colorado School for Deaf and Blind, No. 1:12-cv-02664-RM-KLM (D. Colo. 2015)***

- Settlement: \$1.4 million.
- Harassment/Injuries: Sexual assaults.
- Multiple Plaintiffs (two).
- Basic Facts: Two blind boys, one of whom was also developmentally disabled, were sexually abused by another student at a residential state school for the deaf and blind. Sexual assaults were repeatedly reported to school staff, including principal, who merely documented incidents, but took little action to protect boys from further abuse and did not report sexual abuse to state authorities. Sexual assaults were reported to police approximately two years later. Student accused of assaulting the boys admitted he had sexually assaulted five students at school in a two-year period and pled guilty. The boys’ parents sued the school board and school officials for failing to prevent and respond appropriately to the sexual abuse.
- Causes of Action: Title IX claims for deliberate indifference to sexual harassment; claims under 42 U.S.C. § 1983 alleging substantive due process violations; claims under Title II of Americans with Disabilities Act and § 504 of Rehabilitation Act for disability-based discrimination.
- Plaintiffs’ Attorney: Daniel Bristol of Godin & Baity, LLC in Denver, CO.
- More information: <http://gazette.com/1.4-million-settlement-finalized-in-sex-assaults-at-colorado-school-for-the-deaf-and-the-blind/article/1567732>.

## **CONNECTICUT**

### ***Anibal v. Greenwich Public Schools (Stamford Sup. Ct. 2005)***

- Settlement: Injunctive relief with no monetary damages.
- Injunctive Relief: School apology and revised anti-bullying policy.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Elementary school student endured four years of almost daily taunting and teasing in school.
- Causes of Action: State tort law claims for negligent and intentional infliction of emotional distress.
- Plaintiff’s Attorney: Alyce Alfano, Hartford, CT.
- More Information: <http://www.insurancejournal.com/news/east/2005/08/23/58659.htm>; [http://parentadvocates.org/nicecontent/dsp\\_printable.cfm?articleID=5230](http://parentadvocates.org/nicecontent/dsp_printable.cfm?articleID=5230).

***Doe ex rel. A.N. v. East Haven Board of Education*, 430 F. Supp. 2d 54 (D. Conn. 2006), affirmed 200 F. App'x 46 (2d Cir. 2006)**

- Jury Verdict: \$100,000; judge also awarded attorneys' fees of \$34,422.50.
- Harassment/Injuries: Sexual assault, harassment and suicide attempt.
- Single Plaintiff.
- Basic Facts: Two upperclassmen raped a female freshman student, causing her to suffer sexual harassment at school. One male student barked at her, another threw a tennis ball at her head, while others regularly called her "slut," "bitch," and "whore," among other names. The harassment caused her to stop attending classes and to have to sit with the guidance counselor to complete her work. The harassment was so severe that the plaintiff was taken to the emergency room after threatening suicide. The school board and principal were allegedly unresponsive to complaints about the peer harassment.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: John Williams, New Haven, CT; Norman Pattis, Bethany, CT.

***Doe v. Madison Bd. of Educ.* 3:11-cv-01418-RNC (D. Conn. 2015)**

- Settlement: Undisclosed.
- Injunctive Relief: Unknown.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: Female middle school student sexually assaulted by five male classmates at a party, sixth boy took photographs and showed other students. Girl continued to have to attend school with all six perpetrators, including continuing to high school with boy who took pictures.
- Cause(s) of Action: Title IX claim for sex-based discrimination.
- Plaintiff's Attorney(s): Margaret Rattigan, Murphy Laudati Kiel Buttler & Rattigan LLC, Farmington, CT; William Wilson II, Halloram & Sage LLP, Hartford, CT.
- More information: <http://www.norwichbulletin.com/article/20150120/News/150129968>.

***Riccio ex rel. Andree v. New Haven Board of Education*, 467 F. Supp. 2d 219 (D. Conn. 2006)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Anti-gay verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: Female eighth grade student endured a stream of physical harassment and name-calling such as "loser," "freak," "dyke," "bitch," "gay," and "lesbian" because of her perceived sexual orientation. A student threw a pencil at her during lunchtime and other students threw paper balls at her in class and challenged her to fights.
- Cause of Action: Title IX claim of deliberate indifference to sexual harassment.
- Plaintiff's Attorney: John R. Williams, New Haven, CT.

***Willia v. Bridgeport Board of Ed.*, Docket No: FBT-CV12-6031135 (Conn. Super. Ct. 2015)**

- Settlement: \$37,000
- Injunctive Relief: Unknown.
- Harassment/Injuries: Physical violence, threats, and verbal harassment.
- Single Plaintiff
- Basic Facts: Middle school student was verbally harassed and threatened with physical violence by several female students, soon after she transferred to the school in 2011. The verbal abuse and

threats culminated in an attack in eighth grade. During lunch in the cafeteria, one of the student's tormentors struck her repeatedly, causing the dislocation of the girl's right shoulder.

- Causes of Action: State law tort claim
- Plaintiff's Attorney: Matthew Broder, Bridgeport, CT.
- More Information: <http://blog.ctnews.com/connecticutpostings/2015/04/30/family-wins-settlement-for-school-bullying-claim/>.

## **FLORIDA**

### ***Doe v. Charter Schools USA, Inc., No. 12 -25666 CA 08 (Cir. Ct. Miami-Dade Cnty. 2014)***

- Jury Verdict: \$5.25 million.
- Harassment/Injuries: Sexual assault; attempted suicide.
- Single Plaintiff.
- Basic Facts: Eleven-year-old student raped a seven-year-old student in the back of a transport van on the way to school, and two more times in school bathroom.
- Causes of Action: Claim under state tort law; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff's Attorney: Jeffrey Herman, Miami, FL.
- More Information: <http://www.nbcmiami.com/news/local/Jury-Awards-525-Million-in-Downtown-Miami-Charter-School-Sex-Assault-Case-255357051.html>.

### ***Heidenberg v. Hillel School of Tampa, No. 06-CA-512 (Cir. Ct. Hillsborough Cnty. 2007)***

- Jury Verdict: \$4 million; judge reduced to \$600,000, characterizing closing argument by plaintiff's attorney as "highly inflammatory" for focusing too much on school's punishment rather than liability.
- Settlement: Parties settled for an undisclosed sum exceeding \$600,000.
- Harassment/Injuries: Physical assault (broken arm and permanent nerve damage).
- Single Plaintiff.
- Basic Facts: 12-year old boy assaulted several times by fellow student, prompting bullied boy's father to ask principal to protect his son. After reporting incident to principal, the bully assaulted the student on school grounds again. The student sustained a broken arm and was left with permanent nerve damage. During closing argument, plaintiffs' attorney emphasized that school officials never apologized and asked the jury to "teach the teachers," stating, "Today's the day that [the teachers] get taken to the woodshed."
- Cause of Action: Negligence claim under state tort law.
- Plaintiff's Attorney: David Tirella, Tampa, FL.
- More Information: [http://www.sptimes.com/2007/12/18/Hillsborough/Award\\_in\\_bullying\\_cas.shtml](http://www.sptimes.com/2007/12/18/Hillsborough/Award_in_bullying_cas.shtml).

### ***S.B., ex rel. Cox v. Duval County School Board (Cir. Ct. Duval Cnty. 2013)***

- Jury Verdict: \$100,000 (for past and future pain and suffering).
- Harassment/Injuries: Physical assault.
- Single Plaintiff
- Basic Facts: S.B. suffered a serious fracture requiring three surgeries on her left knee after a 12-year-old girl, known for her violent tendencies, assaulted S.B.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Unknown.



- More Information: <http://www.lexisnexis.com/legalnewsroom/litigation/b/jverdicts/archive/2013/05/08/failure-to-prevent-bullying-can-prove-costly-to-school-districts.aspx>.

***T.B. and S.W. v. The School Board of Palm Beach County, Florida, (Cir. Ct. Palm Beach Cnty. 2013)***

- Jury Verdict: \$1.7 million (could be reduced to \$100,000 under state sovereign immunity statute).
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: A 15-year-old student raped a 3-year-old special needs girl on a school bus.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Stephan Le Clainche of West Palm Beach, FL.
- More Information: <http://www.palmbeachpost.com/news/news/crime-law/attorneys-ask-for-35-million-for-pahokee-girl-sexu/nWHNc/>.

## **GEORGIA**

***United States v. DeKalb County School District (2013 & 2014)***

- Settlement: injunctive relief only (pre-suit)
- Injunctive Relief:
  - First Settlement (2013): School district required to work with consultant to develop and implement anti-harassment training at student's middle and high school; immediately implement a safety plan to ensure that student is safe at school and, should incidents of harassment occur, that district responds quickly and effectively; and meet with the student, his family, and administrators from his middle school and the high school where he will enroll, to identify key school personnel who can support the student should any future incidents of harassment occur. See: <http://www.justice.gov/iso/opa/resources/85920135716465774430.pdf>.
  - Second Settlement (2014): School district required to provide information to non-English-proficient parents of district students about district's anti-harassment policies, regulations, and procedures; increased monitoring by DOJ; renewed round of anti-harassment training for staff and students. See: [http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/11/18/dekalb\\_settlement\\_agreement.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/11/18/dekalb_settlement_agreement.pdf).
- Harassment/Injuries: Verbal and physical harassment based on national origin and religion.
- Single Plaintiff.
- Basic Facts: A Sikh middle school student endured bias-based taunts, including being called "Osama," "terrorist," and "curryhead." He was told that he had a "bomb on his head" and to "go back to [his] country." He also suffered physical harassment. A student cut off some of his hair in class, an affront to practicing Sikhs, whose faith prohibits haircuts.
- Causes of Action: The Sikh Coalition filed a complaint on the student's behalf with the United States Department of Justice ("DOJ"). DOJ negotiated a pre-suit settlement with the school district pursuant to Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, sex, religion, and national origin in public schools. The statute authorizes the U.S. Attorney General to file suit to enforce the Act, but does not create a private right of action.

- Student’s Attorney: Sikh Coalition of New York, NY.
- More Information: <http://www.sikhcoalition.org/advisories/2013/legal-victory-bullied-for-years-sikh-student-gets-justice-in-landmark-settlement>; <http://www.justice.gov/opa/pr/2013/May/13-crt-516.html>; <http://www.sikhcoalition.org/advisories/2014/doj-settlement-of-sikh-complaint-will-protect-100000-school-children>.

## **HAWAII**

### ***Doe v. State of Hawaii, No. 11-cv-0550-KSC (D. Haw. 2013)***

- Settlement: \$5.75 million.
- Harassment/Injuries: Sexual assault and harassment.
- Multiple Plaintiffs (class action).
- Basic Facts: Gang at public school for the deaf and blind sexually assaulted and terrorized their classmates. The assaults included robberies, gang rapes and other forms of sexual assault. School officials knew about the assaults for more than a decade and covered up the acts.
- Causes of Action: Disability discrimination claims under Title II of the Americans with Disabilities Act, § 504 of the Rehabilitation Act, and the Individuals with Disabilities in Education Act; unspecified claims under 42 U.S.C. § 1983; Title IX claims for deliberate indifference to peer harassment; and claims under the state constitution.
- Plaintiffs’ Attorneys: Glenn H. Uesugi, John Rapp, Michael J. Green of Honolulu, HI.
- More Information: <http://www.hawaiireporter.com/5-75-million-settlement-awarded-to-deaf-and-blind-students-sexually-assaulted-by-gang-at-hawaii-public-school/123>.

## **ILLINOIS**

### ***Acoff v. Wolf Branch School District, U.S. Dept. of Education, OCR Complaint (2015)***

- Settlement: \$75 for costs related to bullied student’s therapy, and injunctive relief.
- Injunctive Relief: Pursuant to voluntary resolution agreement reached with U.S. Department of Education’s Office for Civil Rights (“OCR”), school district agreed to take steps necessary to ensure that students enrolled at Wolf Branch Middle School are not subjected to hostile environment on basis of race, color or national origin; promptly investigate incidents of harassment and take appropriate disciplinary action; revise anti-bullying policies and procedures; provide anti-bullying training to staff; improve anti-bullying program for students; and report to OCR on implementation of all action items.
- Harassment/Injuries: Race-based harassment (both verbal and physical).
- Single Plaintiff.
- Basic Facts: An African American middle school student was targeted by other students for racially motivated bullying, which included racial slurs and incidents of physical abuse. His parents filed a complaint with OCR. (The parents also filed a civil suit, which they dropped.)
- Causes of Action: Title VI claim for school’s failure to respond appropriately to racial harassment.
- Plaintiff’s Attorney: None.
- More Information: <http://www.bnd.com/news/local/education/article19573368.html>; <http://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05141021-b.pdf>.

### ***Hunley v. St. Charles Community Unit School District 303 (Ill. Sup. Ct. 2013)***

- Settlement: \$15,000.

- Harassment/Injuries: Assault.
- Single Plaintiff.
- Basic Facts: A 10-year-old elementary school student was pushed on the playground at recess, suffering serious and permanent injuries, after having been bullied by another student. The incident happened despite the school district's knowledge of the bullying and previous agreement with the parents of both children that all staff members would be notified both orally and in writing that the children needed to be separated while on school property.
- Causes of Action: Reckless failure to prevent boys from contacting each other; reckless failure to ensure staff members were notified of policy not to allow the boys' contact; purposefully allowing boys to go to recess together; minor's parents failure to prevent boys from coming into contact; minor's parents' failure to remove son from school after learning of the bullying.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.kcchronicle.com/2014/09/02/d-303-parent-reach-settlement-in-bullying-case/anjybp/>.

## **INDIANA**

### ***McCoy v. South Madison Community Schools (Madison Cnty. Cir. Ct. 2013)***

- Jury Verdict: \$50,000.
- Harassment/Injuries: Verbal and written harassment.
- Single Plaintiff.
- Basic Facts: Classmates photoshopped sexually suggestive pictures of the plaintiff when she was a freshman in high school, and posted them on flyers in school hallways and bathrooms that included her phone number.
- Causes of Action: State tort law claim for negligence.
- More Information: <http://www.wthr.com/story/23700742/2013/10/15/madison-county-school-district-found-liable-in-bullying-case>.

### ***Seiwert v. Spencer-Owen Community School Corporation, 497 F. Supp. 2d 942 (S.D. Ind. 2007)***

- Settlement: \$4,250.
- Harassment/Injuries: Anti-gay physical and verbal assault against a brother and sister.
- Multiple Plaintiffs (two).
- Basic Facts: S.S. experienced constant physical and verbal harassment because of his perceived sexual orientation, including threats and physical assaults in gym class. As a result of the bullying, he suffered medical problems that caused him to take medical leave from school. Students also threatened and assaulted K.S., S.S.'s sister, because she defended S.S. While S.S. was on medical leave, a student sent K.S. a text message threatening to kill her brother if he returned to school.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment; breach of contract claim; state tort claims for negligent supervision, intentional infliction of emotional distress, and negligent infliction of emotional distress.
- Plaintiffs' Attorney: Michael K. Bonnell, Spencer, IN.

### ***Sobieralski v. Bartholomew Consolidated School Corporation, 10-cv-407-SEB-MJD (S.D. Ind. 2010)***

- Settlement: \$100,000 from school district; \$50,000 from family of alleged bully.
- Harassment/Injuries: Verbal harassment and sexual rumors.

- Single Plaintiff.
- Basic Facts: Fellow high school student and band member sexually harassed and spread sexual rumors about plaintiff because she would not go out with him. She alleged that school administrators failed to take meaningful steps to protect her from the harassment, even after the alleged harasser graduated from high school. The school social worker sent a letter alerting the administration to the effects that the harassment had on plaintiff's emotional health, but the principal allegedly told the social worker that she was acting unprofessionally. When the alleged harasser graduated, the band director invited him back as an assistant, but his presence at school greatly upset plaintiff. The alleged perpetrator's mother, who continued to volunteer at band functions after her son graduated, also allegedly harassed plaintiff.
- Causes of Action: Claim under Title IX for deliberate indifference to sexual harassment; state tort claims for failure to protect, negligent infliction of emotional distress, intentional infliction of emotional distress; state tort claims for slander against harasser; state common-law and statutory claims against harasser's parents.
- Plaintiff's Attorneys: C. Richard Marshall, Jason H. Guthrie, Michael Thomasson, Sean G. Thomasson, Shari E. Long, Columbus, IN.
- More Information: <http://www.wishtv.com/dpp/news/education/family-gets-150k-in-bullying-settlement>.

***Young v. Indianapolis Public Schools, No. 12-cv-1241-WTL-DKL (S.D. Ind. 2012)***

- Settlement: \$65,000 and injunctive relief.
- Injunctive relief: School district reversed plaintiff's expulsion from school.
- Harassment/Injuries: Anti-gay physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Student experienced severe verbal and physical harassment because he did not conform to stereotypical notions of masculinity. Instead of protecting him from his harassers, the school district told him that he was to blame for the harassment, and suggested that he be less flamboyant. When it was clear that the school district would not protect him, the student's mother gave him a "self-protection flashlight" that emits a loud noise and a weak electric charge when fired. The school district expelled the bullied student after he discharged the flashlight in the air in self-defense.
- Causes of Action: Claim under Title IX for deliberate indifference to peer harassment; claims under 42 U.S.C. § 1983 alleging denial of equal protection based on sexual orientation and sex, denial of the right to speech and expression, and denial of procedural and substantive due process; claim under Indiana law for failure to comply with expulsion hearing procedures.
- Plaintiff's Attorneys: Asaf Orr and Christopher F. Stoll of the National Center for Lesbian Rights in San Francisco; Brent P. Ray, Eliza Davis, Erin E. Wagner, Ferlillia V. Roberson, Margaret Hoppe, P. Daniel Bond and Vanessa Barsanti of Chicago, IL; and Richard A. Waples of Indianapolis, IN.
- More Information: <http://www.nclrights.org/cases-and-policy/cases-and-advocacy/young-v-ips-2/>; <http://www.usatoday.com/story/news/nation/2013/07/11/gay-bullying-victim-settles-lawsuit-school/2507903/>.

## **IOWA**

### ***Davidson v. Clear Lake Community School District, ICRC No. 06-13-64419 (2013)***

- Settlement: \$50,000.
- Injunctive Relief: Apology letter from football coach and school district will broaden the ways in which students may report bullying and harassment. Additional training for staff in bullying and harassment awareness and prevention.
- Harassment/Injuries: Unknown.
- Single Plaintiff.
- Basic Facts: After a payment to a student's father was listed in school board minutes and inquired into by a local newspaper, the school district admitted that the payment was for settlement of bullying claims and released the settlement agreement containing monetary and injunctive relief. No further details of the bullying were released other than that the payment was for "bullying/harassment."
- Causes of Action: personal injuries; pain and suffering; emotional distress; damage to reputation.
- Plaintiff's Attorney: Roxanne Barton Conlin, Des Moines, IA.
- More Information: [http://www.clreporter.com/index.php?option=com\\_content&view=article&id=2274:school-district-involved-in-50k-bullying-settlement&catid=49:localnews&itemid=81](http://www.clreporter.com/index.php?option=com_content&view=article&id=2274:school-district-involved-in-50k-bullying-settlement&catid=49:localnews&itemid=81).

### ***Doe (Rothmeyer) v. Perry Community School District, No. 04-cv-40161-JEG (S.D. Iowa 2004)***

- Judgment: Over \$27,000.
- Harassment/Injuries: Anti-gay verbal and physical abuse.
- Single Plaintiff.
- Basic Facts: Rothmeyer experienced repeated verbal and physical abuse for three years because of his perceived sexual orientation. Classmates regularly called him "faggot," "queer," and "homo"—sometimes even in front of teachers. Rothmeyer suffered damages to his ear and a neck laceration in an assault.
- Causes of Action: Claim under Title IX for retaliation and deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection, substantive due process, unreasonable seizure, and free speech violations; conspiracy claim under 42 U.S.C. § 1985; claim under 42 U.S.C. § 1986; and state tort law claims for failure to supervise, negligence, false arrest, false imprisonment, and abuse of process.
- Plaintiff's Attorney: Robert P. Montgomery, Des Moines, IA.
- More Information: [https://www.aclu.org/files/pdfs/cost\\_of\\_harassment\\_2012\\_final.pdf](https://www.aclu.org/files/pdfs/cost_of_harassment_2012_final.pdf).

### ***Gannaway v. Grinnell-Newberg School District (Iowa District Court for Poweshiek County 2015)***

- Settlement: Undisclosed amount.
- Harassment/injuries: Taunting by students; emotional abuse by principal.
- Single plaintiff.
- Basic Facts: After an eight-year-old boy was taunted and bullied by other elementary school students, his father reported this to the school. The school principal pulled the boy into his office, yelled at him, and made him repeat over and over that he would not lie again, traumatizing the boy. The boy developed cyclic vomiting syndrome and was scared to go to school and see the principal.

- Causes of Action: Claim under Iowa anti-bullying statute; due process and equal protection claims under Iowa constitution; state tort law claims.
- Plaintiff's Attorney: Roxanne Barton Conlin, DesMoines, IA.
- More Information: <http://www.radioiowa.com/2015/06/09/grinnell-newburg-bullying-case-settled-before-trial/>.

***Roe v. Prairie City-Monroe School District (Jasper County Civil Court 2014)***

- Settlement: \$100,000 from school district's insurer.
- Harassment/Injuries: Sexual harassment.
- Single Plaintiff.
- Basic Facts: A 12-year-old boy was sexually harassed by a ninth grade student during and after wrestling practice in the locker room showers, including repeated requests to see the boy's genitals. The bullying also included sexual requests on Facebook. As a result of the continued bullying, the boy eventually exposed himself to the older student. After repeatedly complaining to school officials about the bullying, the superintendent told the boy's mother that the incidents were not actionable and suggested that she destroy the Facebook exchanges. A member of the school board also told the boy's mother that the bullying was "not a big deal." The boy had to enroll in another school district to avoid further abuse.
- Causes of Action: Failure to investigate allegations of bullying; sexual harassment; aiding and abetting the sexual abuse of a minor.
- Plaintiff's Attorney: Roxanne Barton Conlin, DesMoines, IA.
- More Information: <http://www.newtondailynews.com/2014/07/27/pcm-bullying-civil-suit-dismissed/api061f/>.

## **KANSAS**

***Theno v. Tonganoxie Unified School District No. 464, 377 F. Supp. 2d 952 (D. Kan. 2005)***

- Jury Verdict: \$250,000; judge also awarded \$270,000 in attorneys' fees. After school district appealed to Tenth Circuit, the parties reached a settlement.
- Settlement: \$440,000.
- Harassment/Injuries: Same-sex harassment involving gender-based stereotyping.
- Single Plaintiff.
- Basic Facts: Plaintiff was severely bullied by his peers for years during middle and high school, causing him to drop out of high school in his junior year. Harassment consisted of unrelenting name-calling, teasing, and gestures with sexual undertones. Students spread sexually-based rumors and called plaintiff names such as "fag," "faggot," "queer," "flamer," "masturbator" and "banana boy." On one occasion during a school basketball game, the plaintiff missed a basket and one of his classmates said, "Way to go, queer" loud enough for plaintiff's parents to hear from the stands. On another occasion, the student was talking with his teacher and a classmate said, "Mr. Bond, watch out, Dylan might go jack off in the bathroom." The teacher laughed at the classmate's ridicule. One student even convinced a teacher to call plaintiff "banana boy." Though plaintiff was not gay or perceived by his peers to be gay, the primary objective of his harassers was to disparage plaintiff's perceived lack of masculinity.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; state law claim for negligent failure to supervise students (dismissed on summary judgment)
- Plaintiff's Attorneys: Arthur A. Benson II, Jamie Kathryn Lansford, Aften P. McKinney, Kansas City, MO.

- More Information: <http://www.nsba.org/SchoolLaw/Issues/Equity/Legal-Clips-Article-on-harassment.pdf>.

## **KENTUCKY**

### ***Griffith, et al. v. Casey County Board of Education (Casey Cnty. Cir. Ct. 2008)***

- Settlement: \$110,000 (\$108,000 shared collectively; \$2,000 for one plaintiff from a defendant sued in her individual capacity).
- Harassment/Injuries: Physical and verbal abuse.
- Multiple Plaintiffs (five).
- Basic Facts: Five female high school students, ages 15 through 18, sued the school district and administrators for repeated verbal and physical abuse they suffered from their peers at school. One girl had a bald spot on her head from where a bully pulled out her hair; another received death threats causing her to transfer school; and a third was diagnosed with adjustment disorder, which involves feelings of depression or anxiety. In response, the principal told one of the girls that there was nothing he could do about the bullying. The vice principal told another girl that she should toughen up.
- Causes of Action: Unknown.
- Plaintiffs' Attorneys: Ted Lavit of Lebanon, KY; Ned Pillersdorf of Prestonsburg, KY; Brenda Popplewell of Somerset, KY.
- More Information: [http://articles.centrankynews.com/2008-12-21/news/24870344\\_1\\_settlement-lawsuit-administrators](http://articles.centrankynews.com/2008-12-21/news/24870344_1_settlement-lawsuit-administrators); <http://abcnews.go.com/US/LegalCenter/story?id=2256089&page=1>; <http://www.caseynews.net/content/110000-paid-bullying-lawsuit>.

### ***Putman v. Board of Education of Somerset Independent Schools, 00-cv-00145-JBC (E.D. Ky. 2000)***

- Settlement: \$135,000 and injunctive relief.
- Injunctive relief: School district required to create a new anti-harassment policy.
- Harassment/Injuries: Anti-gay verbal and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff experienced verbal and physical harassment because of his perceived sexual orientation. Students wrote three death threats to him within the span of a few months, threw objects at him, and called him names. One student grabbed his groin area and made sexually suggestive gestures at him.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection violation on the basis of actual or perceived sexual orientation.
- Plaintiff's Attorneys: Everett C. Hoffman, Louisville, KY; John Frith Stewart, Crestwood, KY; Michael A. Owsley, Bowling Green, KY.
- More Information: <http://www.justice.gov/crt/about/edu/documents/putmanbr1.php>.

### ***Vance v. Spencer County Public School District, 231 F.3d 253 (6th Cir. 2000)***

- Jury Verdict: \$220,000.
- Harassment/Injuries: Sexual harassment, including assault.
- Single Plaintiff.
- Basic Facts: For years, a female student was subjected to verbal and physical sexual harassment by other students. As a result, she suffered from depression and withdrew from school. In virtually every class, plaintiff was asked for sexual favors and was touched in inappropriate

ways. On one occasion, while in class, two male students held her down while others yanked off her shirt, pulled her hair, and attempted to disrobe. On another occasion, she was stabbed in the hand with a pen. Plaintiff was also repeatedly hit with books by groups of students and subjected to name-calling.

- Cause of Action: Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorney: Oliver H. Barber, Jr., Jeffery S. Miller, Louisville, KY.

## **LOUISIANA**

### ***Brammer v. Bossier Parish School Board (2014)***

- Verdict: \$150,000
- Harassment/Injuries: Physical assault resulting in broken arm.
- Single Plaintiff.
- Basic Facts: A 10-year-old boy broke his arm after he was attacked by three students on the playground. Before the attack, he had told his teacher that another student had pushed him down, but was told that there was nothing the teacher could do about it.
- Cause of Action: Negligent supervision.
- Plaintiff's Attorney: Adam Savoie, Simmons, Morris & Carroll.
- More Information: <http://www.ksla.com/story/26688964/bpsb-considering-appealing-162k-lawsuit-involving-playground-attack>.

### ***Lane v. School Board Sabine Parish, No. 14-CV-100-EEF-KLH (W.D. La. 2014)***

- Settlement: \$4,000 (to reimburse family for expenses incurred to send son to a school 25 miles from home); injunctive relief.
- Injunctive relief: Consent decree enjoins school officials from promoting/advancing prayer at school events and from organizing religious services at school.
- Harassment/Injuries: Teacher-on-student and student-on-student verbal harassment based on religion.
- Multiple Plaintiffs (5).
- Basic Facts: Science teacher ridiculed sixth grade student of Thai Buddhist descent by telling classmates that his religion was "stupid." Teacher's comments caused student's classmates to call Buddhism stupid as well, creating hostile environment for student and his entire family. School district also promoted Christianity in many ways, such as endorsing Christian prayer at all school events and scrolling Bible verses on electronic marquees.
- Cause of Action: Claim under 42 U.S.C. § 1983 alleging freedom from establishment of national religion protected by Establishment Clause of First Amendment to U.S. Constitution.
- Plaintiffs' Attorneys: Daniel Mach and Heather Weaver, ACLU National Foundation (Washington, DC); Justin Paul Harrison, ACLU of LA (New Orleans); Nelson Welch Cameron, Shreveport, LA.

## **MAINE**

### ***Doe v. Brunswick School Department, No. 15-cv-00257-DBH (D. Me. 2016)***

- Settlement: \$125,000 (including attorneys' fees) and injunctive relief.
- Injunctive Relief: School district agreed to provide annual anti-bullying training for the next two academic years to staff at Brunswick Junior High School, with a focus on sex stereotyping; provide schoolwide assemblies addressing bullying; maintain a searchable digital system for



keeping records of alleged bullying even when incidents are unsubstantiated; form a gay-straight alliance at the junior high school; conduct surveys related to school bullying; and provide annual compliance reports to plaintiff's counsel.

- Harassment/Injuries: Verbal abuse, physical assault, and sexual assault.
- Single Plaintiff (joined by Maine Human Rights Commission).
- Basic Facts: For over two years, students at junior high school verbally harassed male plaintiff, a fellow student, based on his appearance, lack of athletic ability and perceived sexual orientation. Plaintiff and his mother repeatedly complained about the harassment to teachers and the school's principal, but they took little corrective action. Verbal abuse eventually escalated to physical violence and sexual assaults, including sodomizing plaintiff multiple times and cutting him with a knife in school bathrooms. The boy's mother filed a discrimination complaint with the Maine Human Rights Commission. The Commission found that the school district failed to take sufficient action to address the ongoing harassment and joined plaintiff's lawsuit on his claim that the defendants violated the Maine Human Rights Act.
- Causes of Action: Claim under 42 U.S.C. § 1983 for violations of Equal Protection Clause and First Amendment; Title IX claim for deliberate indifference to sexual harassment; and Maine Human Rights Act claim for sex and sexual orientation discrimination.
- Plaintiff's Attorneys: David G. Webbert, Johnson, Webbert, & Young, LLP; Gary Goldberg and Christopher A. Harmon, Terry Garney & Associates; Courtney I. Beer, Pine Tree Legal Assistance, Inc.; and Barbara Archer Hirsch, Maine Human Rights Commission.
- More Information: <http://www.pressherald.com/2016/11/15/brunswick-schools-pay-125000-to-settle-bullying-suit/>.

## **MARYLAND**

### ***Lawsuit against the Baltimore City Public Schools (Cir. Ct. Baltimore City 2013)***

- Settlement: \$45,000.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: Female high school student was beaten up so severely that she required three surgeries. Attacker had a history of bullying the girl, which was well known by the school. Victim alleged that the school provided insufficient supervision to protect her when the fight broke out.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.wbaltv.com/news/maryland/baltimore-city/baltimore-city-settles-bullying-lawsuit-for-45k/-/10131532/20437604/-/kqltiu/-/index.html>.

## **MASSACHUSETTS**

### ***Prince v. South Hadley Public Schools, MCAD (2010)***

- Settlement: \$225,000 (obtained pre-suit).
- Harassment/Injuries: Verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: A 15-year-old high school girl committed suicide after being bullied by her classmates. She had recently immigrated to the United States from Ireland and had only been at school for a few weeks before her death. On the day of her suicide, she was bullied in a school's

library and a student followed her in a car and threw a can at her as she walked home from school. Prior to her death, her mother spoke to at least two school officials about the bullying, although the school later denied any knowledge of any bullying.

- Causes of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More information: <http://www.cnn.com/2011/12/28/us/new-york-bullying-settlement/>.

## **MICHIGAN**

### ***Patterson v. Hudson Area School, 551 F.3d 438 (6th Cir. 2009)***

- Jury Verdict: \$800,000 (later overturned after judge found bullying was not based on sex).
- Harassment/Injuries: Sexual harassment, including assault.
- Single Plaintiff.
- Basic Facts: Plaintiff was bullied by students for years during middle and high school, ultimately withdrawing from school. Harassment included regular taunting with names such as "queer," "faggot" and "man boobs;" defacing plaintiff's locker with a drawing of a penis inserted into a rectum; an episode in which student urinated on his clothes; and a locker room assault in which a star baseball player stripped naked, cornered plaintiff and rubbed his genitals in plaintiff's face, while another student blocked exit so plaintiff couldn't escape. Some school officials responded to taunts by saying "kids will be kids, it's middle school." One teacher asked plaintiff, "How did it feel to be hit by a girl?" Though school officials took some action to try to stop the harassment and disciplined some of the harassers, the harassment continued.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; state tort claims.
- Plaintiff's Attorney: Terry E. Heiss, Ada, MI.
- More Information: [http://www.onpointnews.com/NEWS/Jury-Awards-\\$800K-to-Victim-of-Pattern-of-Bullying.html](http://www.onpointnews.com/NEWS/Jury-Awards-$800K-to-Victim-of-Pattern-of-Bullying.html); <http://lawandeducation.wordpress.com/2009/10/11/pushing-the-limits-of-deliberate-indifference/>.

### ***Pratt v. Portage Public Schools, Case No. 2015-0217-CZ (Kalamazoo Cnty. Cir. Ct. 2016)***

- Settlement: \$30,000 (including attorneys' fees) and injunctive relief.
- Injunctive Relief: Plaintiff was reinstated to tennis team so she could compete in state finals, and district agreed to provide favorable recommendation letters for her.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Plaintiff, a female high school tennis captain, was bullied by her teammates and their parents. Coaches ignored her complaints, and school officials searched her property for drugs and alcohol and gave her a breathalyzer test in response to rumors spread by teammates. School officials cleared plaintiff, but asked her to step down as captain in exchange for their promise to stop the bullying. The verbal harassment continued. This isolated plaintiff and created friction on the team. Officials eventually removed her from tennis team.
- Causes of Action: Unknown state law claims.
- Plaintiff's Attorney: Matthew DePerno, DePerno Law Offices, PLLC
- More Information: [http://www.mlive.com/news/kalamazoo/index.ssf/2015/06/judge\\_reinstates\\_portage\\_cent.html](http://www.mlive.com/news/kalamazoo/index.ssf/2015/06/judge_reinstates_portage_cent.html); [http://www.mlive.com/news/kalamazoo/index.ssf/2016/09/portage\\_settlement\\_with\\_high\\_s.html](http://www.mlive.com/news/kalamazoo/index.ssf/2016/09/portage_settlement_with_high_s.html); [http://media.mlive.com/kzgazette\\_impact/other/Pratt%20-%20Final%20SA%20\(002\).pdf](http://media.mlive.com/kzgazette_impact/other/Pratt%20-%20Final%20SA%20(002).pdf).

## MINNESOTA

### ***Doe v. Anoka-Hennepin School District No. 11*, Nos. 11-cv-01999-JNE-SER and 11-cv-02282-JNE-SER (D. Minn. 2011)**

- Settlement: \$270,000 and injunctive relief.
- Injunctive Relief: Pursuant to a consent decree, school district agreed to revise its harassment policies; immediately respond to and stop all harassment; fully investigate harassment on the basis of sexual orientation; train staff; and retain a third-party consultant to determine what additional measures were needed and to monitor compliance with consent decree. District was also required to retain a mental health consultant and create an anti-bullying taskforce. Finally, district was required to track reports of harassment. The injunctive relief cost district approximately \$500,000.
- Harassment/Injuries: Anti-gay harassment, including assaults.
- Multiple Plaintiffs (six).
- Basic Facts: Six current and former students were subjected to a torrent of harassment based on their actual or perceived sexual orientation that included physical assaults and threats, anti-gay name-calling, and a hostile educational environment. In some cases, students were strangled, shoved, urinated on and even stabbed with a pencil. The harassment was exacerbated by a gag policy that prevented teachers from discussing issues related to sexual orientation and required teachers to remain neutral about the subject when students discussed the issue. Although none of the plaintiffs committed suicide, four students in the school district committed suicide within nine months of one another because of anti-gay harassment.
- Causes of Action: Claims under 42 U.S.C. § 1983, alleging denial of equal protection on basis of sexual orientation; Title IX claims for deliberate indifference to sex discrimination; Minnesota Human Rights Act claims for discrimination based on sexual orientation.
- Plaintiffs' Attorneys: Southern Poverty Law Center; National Center for Lesbian Rights; Faegre Baker Daniels LLP in Minneapolis, MN. U.S. Department of Justice (Civil Rights Division) and U.S. Department of Education, through its Office for Civil Rights, investigated and subsequently intervened in case.
- More Information: <http://www.splcenter.org/get-informed/case-docket/anoka-hennepin-school-district>.

### ***Grafe v. Bunnell*, No. 55-cv-11-7746 (Minn. Dist. Ct. 2011)**

- Settlement: \$87,500 from school district; \$32,000 from perpetrator's insurance.
- Harassment/Injuries: Physical assault.
- Single Plaintiff.
- Basic Facts: A student perpetrator repeatedly harassed Grafe in the boys' locker room before and after gym class. When Grafe's parents complained to school officials about the harassment, they agreed to assign a monitor to the locker room. On a day when the monitor was absent, the perpetrator assaulted Grafe, causing him to suffer a concussion, damage to a cochlear implant that had to be surgically replaced, and deafness in one ear. Grafe experienced additional trauma because the school assigned the perpetrator and Grafe to the same classroom even though a juvenile court had ordered the perpetrator to have no contact with Grafe.
- Cause of Action: State tort claims.
- Plaintiff's Attorney: Unknown
- More Information: <http://postbulletin.com/news/stories/display.php?id=1509107>.

***Pruitt v. Anderson*, No. 11-cv-2143-DSD-JJK (D. Minn. 2011)**

- Settlement Amount: \$90,000.
- Harassment/Injuries: Racial harassment.
- Class action filed by single plaintiff.
- Basic Facts: African-American student filed class action after Red Wing School District allowed students to hold a homecoming event known as “Wigger Day” or “Wangsta Day.” (“Wigger” refers to “a white youth who affects the speech patterns, fashion and other manifestations of black youth;” “Wangsta” refers to “someone, especially a white person, who poses as a gangsta rapper.”) The complaint alleged that about 70 students wore baggy pants and “do-rags” during this event, creating a racially hostile environment. This offensive activity sent plaintiff into a deep depression that almost prompted her to quit school. Although school administrators did not sanction the event, which dated back to at least 2007, the suit charged that they “failed to take adequate steps to address the conduct.”
- Causes of Action: Title VI claim for deliberate indifference claim to race discrimination; claim under 42 U.S.C. § 1983, alleging equal protection violation (dismissed); state tort claim; and claim under Minnesota Human Rights Act.
- Plaintiff’s Attorney: Joshua Williams, Minneapolis, MN.
- More information: <http://postbulletin.com/news/stories/display.php?id=1506100>; <http://legalclips.nsba.org/?p=15378>.

## **MISSISSIPPI**

***D.H. v. Moss Point School District*, No. 1:13-cv-466-H50-RHW (S.D. Miss. 2015)**

- Settlement: Undisclosed.
- Injunctive Relief: School district required to adopt and implement new anti-bullying and harassment policies and procedures, including equal educational opportunity policies based on sexual and gender identity, and reform bullying reporting and response procedures.
- Harassment/Injuries: Anti-gay physical and verbal abuse.
- Single plaintiff.
- Basic Facts: Plaintiff, then 14, was continually harassed by fellow students, teachers, and administrators at her high school because of her sexual orientation. She was subjected to constant name-calling, students would throw things at her and encourage her to kill herself, and she was repeatedly barred from using the girls’ bathroom. She attempted suicide once and expressed suicidal ideation a second time to a friend before school stepped in.
- Causes of Action(s): Title IX claim for deliberate indifference to sex-based discrimination; § 1983 claim for denial of equal protection by showing deliberate indifference to sex-based harassment.
- Plaintiff’s Attorney(s): Jody E Owens II, Elissa Johnson, Samuel Wolfe, Alesdair Ittelson, and Anjali Nair of Southern Poverty Law Center, Jackson, MS and Montgomery, AL.
- More information: <http://www.splcenter.org/get-informed/news/splc-reaches-settlement-with-mississippi-school-district-to-stop-anti-lgbt-bullyin>.

## **MISSOURI**

***Lovins v. Pleasant Hill Public School District*, No. 99-cv-550-FJG (W.D. Mo. 1999)**

- Settlement: \$72,500 and injunctive relief.

- Injunctive Relief: Pursuant to consent decree, school district was required to: conduct a climate assessment of student-to-student and teacher-to-student relations within its schools; develop a comprehensive plan to identify, prevent, and remedy harassment and discrimination on the basis of sex and sexual orientation; educate and train teachers, staff, and students about the operation of the policy and procedures; maintain written records of complaints and investigations; and file implementation reports with the U.S Department of Justice and the court.
- Harassment/Injuries: Anti-gay physical and verbal assaults.
- Single plaintiff.
- Basic Facts: Plaintiff experienced harassment because of his perceived sexual orientation from eighth through eleventh grade. After a classmate physically assaulted him, he was forced to leave school because of the harassment. School officials failed to respond appropriately to plaintiff's complaints of harassment.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations; Title IX claim for deliberate indifference to sexual assault.
- Plaintiff's Attorney: Douglas Patterson, Katherine Tess Argent, Kansas City, MO; United States Department of Justice (Civil Rights Division) intervened.
- More Information: <http://www.justice.gov/crt/about/edu/documents/casesummary.php#lovins>; <http://www.justice.gov/crt/about/edu/documents/lovinscom.php>.

***Myers v. Blue Springs School District R-IV, No. 10-cv-00081-BP (W.D. Mo. 2010)***

- Settlement: \$500,000 and injunctive relief.
- Injunctive Relief: Settlement included retraining two administrators in bullying awareness and requiring every school in the district to hold a bullying awareness day.
- Harassment/Injuries: Physical assaults and verbal harassment resulting in suicide.
- Single plaintiff.
- Basic Facts: A 12-year-old student hung himself after facing constant torment from classmates because of his cleft palate. Elementary school students taunted him and physically assaulted him beginning in third grade, with little or no response from school officials.
- Causes of Action: State tort law claim; claim under 42 U.S.C. § 1983 alleging substantive due process violation.
- Plaintiff's Attorneys: Daniel A. Thomas, Jonathan Soper, Independence, MO.
- More Information: [http://www.kshb.com/dpp/news/local\\_news/investigations/blue-springs-school-districts-insurance-company-settled-bullying-lawsuit-for-500000](http://www.kshb.com/dpp/news/local_news/investigations/blue-springs-school-districts-insurance-company-settled-bullying-lawsuit-for-500000); [http://www.kshb.com/dpp/news/local\\_news/investigations/blue-springs-parents-reach-landmark-settlement-over-bullying](http://www.kshb.com/dpp/news/local_news/investigations/blue-springs-parents-reach-landmark-settlement-over-bullying).

***Nugent v. Carl Junction R-1 School District, No. 3:13-cv-05089-MJW (W.D. Mo. 2015)***

- Settlement: \$300,000.
- Harassment/injuries: Suicide after bullying that included sexual orientation slurs, physical threats, and theft and destruction of property.
- Single plaintiff.
- Basic Facts: Parents alleged that their 14 year-old son, Luke, committed suicide after his school failed to protect him from ongoing bullying. The harassment started in seventh grade when Luke came out as bisexual. Students taunted him with slurs about his sexual orientation, suggested that he kill himself, physically threatened him, and stole and destroyed his personal belongings.

- Causes of Action: State tort law claims; Title IX claim for deliberate indifference to gender-based harassment; claim under 42 U.S.C. § 1983 alleging substantive due process and other violations.
- Plaintiffs' Attorneys: Daniel A. Thomas, Jonathan Soper, and Kenneth McClain, Independence, MO.
- More information: [http://www.joplinglobe.com/news/local\\_news/school-lawsuit-alleging-bullying-ends-with-settlement/article\\_9657e94a-c1f0-5032-9d0a-1a8e105594b8.html](http://www.joplinglobe.com/news/local_news/school-lawsuit-alleging-bullying-ends-with-settlement/article_9657e94a-c1f0-5032-9d0a-1a8e105594b8.html).

***S.Z. v. Laude School District, No. 15-cv-01220-CEJ (E.D. Mo. 2016)***

- Settlement: \$75,000 (including attorneys' fees) and injunctive relief.
- Injunctive Relief: School district agreed to conduct annual bullying and harassment training for students and teachers, and to review practices to ensure that parents of all students involved in bullying incidents are notified.
- Harassment/Injuries: Anti-gay verbal abuse and threats of violence.
- Single Plaintiff.
- Basic Facts: High school students sexually harassed plaintiff, a fellow male student, using anti-gay epithets and vulgar sexual language, as well as threats of violence. Plaintiff reported incidents to a teacher, but the teacher blamed plaintiff for the incidents. The teacher reported a few incidents to the assistant principal, and other officials became involved, but the school's investigation eventually blamed plaintiff.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; sex discrimination claim under 42 U.S.C. § 1983 for violation of Equal Protection Clause; and intentional infliction of emotional distress under state law.
- Plaintiff's Attorney: Frank R. Ledbetter, Ledbetter Law Firm, LLC.
- More Information: [http://www.stltoday.com/news/local/crime-and-courts/ladue-school-district-to-pay-to-settle-bullying-claims/article\\_7d9bd633-c921-570c-b4aa-db8fa9796631.html](http://www.stltoday.com/news/local/crime-and-courts/ladue-school-district-to-pay-to-settle-bullying-claims/article_7d9bd633-c921-570c-b4aa-db8fa9796631.html).

## **NEBRASKA**

***Doe v. Malcolm Public Schools (Lancaster Cnty. Dist. Ct. 2013)***

- Settlement: \$75,000.
- Harassment/Injuries: Physical and verbal harassment.
- Multiple Plaintiffs.
- Basic Facts: A coach laughed at a student reporting that classmates had pushed his head into a toilet bowl. The harassment and ridicule the student endured caused him to enroll into another school. The plaintiff also alleged that the school failed to make accommodations for his diabetes.
- Causes of Action: Claim under Title II of the Americans with Disabilities Act; state tort law claim for negligent supervision.
- Plaintiffs' Attorney: Kathleen Neary, Lincoln, NE.
- More Information: [http://journalstar.com/news/local/education/mom-who-sued-malcolm-schools-reaches-settlement/article\\_59d2e6f5-9dfc-52df-9117-649d941ff7df.html](http://journalstar.com/news/local/education/mom-who-sued-malcolm-schools-reaches-settlement/article_59d2e6f5-9dfc-52df-9117-649d941ff7df.html); [http://journalstar.com/news/local/crime-and-courts/article\\_c9f60d01-98c5-58df-a3fc-f40ac7392d9b.html](http://journalstar.com/news/local/crime-and-courts/article_c9f60d01-98c5-58df-a3fc-f40ac7392d9b.html).

## **NEVADA**

### ***Henkle v. Gregory*, 150 F. Supp. 2d 1067 (D. Nev. 2001)**

- Settlement: \$451,000 and injunctive relief.
- Injunctive Relief: School district required to implement policies to protect gay and lesbian students from discrimination, including training all staff on preventing and responding to sexual harassment and intimidation.
- Harassment/Injuries: Anti-gay harassment and physical assault.
- Single Plaintiff
- Basic Facts: Gay high school student experienced physical and verbal harassment because of his sexual orientation. Classmates called him names, shoved him against lockers, spit on him, and even threw a lasso around his neck and threatened to drag him behind a pick-up truck. After he escaped, a teacher laughed at him for being upset. Plaintiff transferred from school to school within the district because the harassment persisted. At one school, the principal warned him against “acting like a fag” and at another school, police officers stood by while a classmate punched him in the face.
- Causes of Action: Claims under 42 U.S.C. § 1983 alleging equal protection and free speech violations; Title IX claim for deliberate indifference to sex-based discrimination; and state tort claims for negligence, negligent training and supervision, and intentional infliction of emotional distress.
- Plaintiff’s Attorneys: Jon W. Davidson and Doni Gewirtzman of Lambda Legal Defense & Education Fund; Michael F. Tubach, Peter Obstler and Luann Simmons of O’Melveny & Myers LLP in San Francisco, CA.
- More Information: [http://www.lambdalegal.org/news/ca\\_20020828\\_groundbreaking-legal-settlement-first-to-recognize](http://www.lambdalegal.org/news/ca_20020828_groundbreaking-legal-settlement-first-to-recognize).

## **NEW JERSEY**

### ***George v. Board of Education of the Township of Millburn*, No. 11-cv-00043-WJM (D.N.J. 2016)**

- Settlement: \$435,000.
- Harassment/Injuries: Racial harassment (verbal and physical); wrongful expulsion from school.
- Single Plaintiff.
- Basic Facts: High school students targeted an African-American male student with verbal abuse that included racial slurs and threats of violence, as well as physical harassment. Plaintiff and his parents complained to school officials, but school officials took no action against perpetrators. The day before a mediation session was scheduled, a physical altercation occurred outside the school where plaintiff, his dad, and his older brother defended themselves against attacks by a number of students. Plaintiff and his family were arrested, but the students who participated in the altercation were not disciplined or arrested. The family was cleared of charges, but plaintiff was expelled from school. The expulsion was overturned a year later, but plaintiff had to be homeschooled in the interim.
- Causes of Action: Federal constitutional claims under 42 U.S.C. § 1983; state law claims for violations of New Jersey’s constitution, civil rights statutes, and tort law.
- Plaintiffs’ Attorney: Harry Jay Levin, Levin Cyphers.
- More information: <http://archive.northjersey.com/news/ed-board-settles-bullying-case-for-435-000-1.1626999>; <http://ogtf.lpcnj.org/2016/2016249o1/GeoMilburn.pdf>.

***J.B., et al. v. Mt. Ephraim School District*, No. CAM-L-3606-12 (N.J. Sup. Ct. 2015)**

- Settlement: \$100,000 (\$50,000 per plaintiff), including attorney fees.
- Harassment/Injuries: Physical and verbal harassment based on disability.
- Multiple Plaintiffs (two siblings).
- Basic Facts: Two siblings in special education programs were subjected to verbal and physical harassment based on their disabilities by their middle school peers. While in eighth grade, the brother's peers mocked his stutter and regularly called him as a "loser." The verbal taunting escalated to physical attacks. On one occasion, fellow students threw the boy off his bicycle, then destroyed the bike. On another occasion, they punched him in the face. The student and his mother repeatedly notified school officials, but no action was taken to prevent the continued harassment.

Several years later, when the sister was in fifth grade, her peers regularly mocked her disabilities, calling her a "ghost," "weaking," and "raccoon eyes." Fellow students also kicked, punched, and stomped on her. The girl's mother repeatedly reported the harassment to school officials and eventually notified the police. The school district took no action to stop the bullying. As a result, the mother withdrew her daughter from the middle school. The school district refused the mother's request for home schooling in the family's house, claiming that teachers would feel "unsafe" there. For the remainder of the school year, the mother incurred expenses to transport her daughter to a local public library for home schooling. Ultimately, the student was placed in another school outside the district, but the school district refused to provide transportation, and the mother then incurred additional transportation expenses.

- Cause of Action: Disability discrimination claims under New Jersey's Law Against Discrimination.
- Plaintiffs' Attorney: Kevin M. Costello and Daniel T. Silverman, Costello & Mains, LLC, Mount Laurel, NJ.
- More information:  
[http://www.nj.com/camden/index.ssf/2016/03/south\\_jersey\\_school\\_district\\_pays\\_50k\\_to\\_settle\\_al.html](http://www.nj.com/camden/index.ssf/2016/03/south_jersey_school_district_pays_50k_to_settle_al.html); <http://ogtf.lpcnj.org/2015/2015054Q6/MEsuitlessredact.pdf>.

***J.C. v. Emerson Board of Education* (N.J. Sup. Ct. Law Div. 2011)**

- Settlement: \$130,000.
- Harassment/Injuries: Physical and verbal harassment based on sexual orientation.
- Single Plaintiff.
- Basic Facts: Student endured physical and verbal harassment, in person and online, over a six-year period in middle and high school because of his perceived sexual orientation. The student's peers created a social networking web site to post disparaging remarks about the plaintiff. The abuse was so severe, and the student became so emotionally distraught, that he was home-schooled for the final months of high school.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information:  
[http://www.nj.com/news/index.ssf/2011/12/emerson\\_board\\_of\\_education\\_to.html](http://www.nj.com/news/index.ssf/2011/12/emerson_board_of_education_to.html);  
[http://www.nj.com/bergen/index.ssf/2011/12/emerson\\_board\\_of\\_education\\_will\\_pay\\_130k\\_to\\_former\\_student\\_for\\_alleged\\_bullying.html](http://www.nj.com/bergen/index.ssf/2011/12/emerson_board_of_education_will_pay_130k_to_former_student_for_alleged_bullying.html).



***Lee ex rel. E.L. v. Lenape Valley Regional Board of Education*, 2009 WL 900174 (D.N.J. Mar. 31, 2009)**

- Settlement: \$275,000.
- Harassment/Injuries: Racial harassment.
- Single Plaintiff.
- Basic Facts: Bi-racial student was continually harassed with racist slurs over the course of several years including “nigger” “black piece of shit,” and “Alabama porch monkey.” Plaintiff was one of only thirteen African-American students out of nearly 2,000 enrolled at high school. School officials did little or nothing to abate the harassment, causing plaintiff to suffer emotional injuries.
- Causes of Action: Title VI claim for deliberate indifference to racial harassment (dismissed on summary judgment); claim under 42 U.S.C. § 1983 alleging due process and equal protection violations; claims under New Jersey Law Against Discrimination and New Jersey Civil Rights Law.
- Plaintiff’s Attorneys: Bennet Zurofsky, Newark, NJ; Joshua Friedman, Larchmont, NY.
- More Information: <http://njcivilsettlements.blogspot.com/2010/10/lenape-valley-regional-school-board.html>.

***Moore v. Sparta Board of Education*, No. 0032g-0310 (N.J. Super. Ct. 2016)**

- Settlement: \$85,000.
- Harassment/Injuries: Bullying and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, a male high school student, was bullied and eventually physically assaulted by another student at his school. The school allegedly had been aware of the pattern of behavior exhibited by the perpetrator, but did nothing to discipline the him or prevent the attack.
- Causes of Action: State tort claim; claim under New Jersey Anti-Bullying Act.
- Plaintiffs’ Attorney: Chuck McGivney, McGivney & Kluger, P.C.
- More information: <http://www.njherald.com/20160802/sparta-high-assault-case-settled-for-85000>; <http://ogtf.lpcnj.org/2015/2015054Q6/MooreSparta.pdf>.

***Patterson v. Irvington Board of Education*, No. L-001093-09 (N.J. Sup. Ct. Law Div. 2012)**

- Jury Verdict: \$16.3 million (\$13 million against school district; \$3.3 million against bully).
- Harassment/Injuries: Physical assault, resulting in paralysis and brain damage.
- Single plaintiff.
- Basic Facts: 15-year old student was left a quadriplegic and brain damaged after his 17-year old classmate severely beat him. The attacker had been suspended from school the day before the beating, but the school nevertheless allowed him back the next morning.
- Cause of Action: State tort law.
- Plaintiff’s Attorney: Jack Wurgaft, Springfield, NJ.
- More Information: [http://www.nj.com/essex/index.ssf/2012/10/irvington\\_teen\\_left\\_brain\\_dama.html](http://www.nj.com/essex/index.ssf/2012/10/irvington_teen_left_brain_dama.html).

***Roe v. Franklin Twp. School Board* (2011)**

- Settlement: \$75,000.
- Injunctive Relief: School board must set aside \$2,500 for anti-bullying awareness program to be used during the current school year. School district agreed to review and potentially revise its policy on student harassment, intimidation, and bullying to ensure compliance with the New

Jersey Anti-Bullying Bill of Rights. The policy will be posted on the school district's website and a hard copy will be available at each of the district's schools. The district will also train all school personnel responsible for responding to complaints of bullying and will provide the names, titles, and details of their training to the Division on Civil Rights.

- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: African-American elementary school student was the victim of race-based bullying from third to seventh grade. The student was called ugly by white students and told to, "go back to the 'hood.'" Her parents complained multiple times to the school's principal and superintendent. On one occasion, the school required two female bullies to watch videos on racial discrimination, including videos about Rosa Parks. However, the school district also told the girl's father, in response to another bullying incident, that they could "not stop children from calling out racial names... at the school."
- Causes of Action: Unknown.
- Plaintiff's Attorney: Acting Attorney General John J. Hoffman
- More Information: [http://www.nj.com/gloucester-county/index.ssf/2014/09/franklin\\_township\\_board\\_of\\_education\\_to\\_pay\\_student\\_75000\\_in\\_race-based\\_bullying\\_case.html](http://www.nj.com/gloucester-county/index.ssf/2014/09/franklin_township_board_of_education_to_pay_student_75000_in_race-based_bullying_case.html).

***Roe v. Old Bridge Township Public Schools (2013)***

- Settlement: \$75,000.
- Injunctive Relief: The school district implemented a bias-based harassment prevention program including an awareness component in the high school and middle school. All staff and administration received additional training.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: A male student was bullied for his religion and perceived sexuality beginning in middle school and continuing into high school. The harassment took place at school, on the bus, and on the internet. The school district did not take any preventative measures to address the bullying, but instead focused on after-the-fact discipline.
- Causes of Action: Unknown.
- Plaintiff's Attorney: Unknown.
- More Information: [http://sub.gmnews.com/news/2013-10-03/Schools/Old\\_Bridge\\_school\\_district\\_settles\\_bullying\\_case.html](http://sub.gmnews.com/news/2013-10-03/Schools/Old_Bridge_school_district_settles_bullying_case.html).

***Rosenstein v. Board of Education of the Borough of Ramsey, No. L-010993-09 (N.J. Sup. Ct. Law Div. 2012)***

- Settlement: \$4.2 million.
- Harassment/Injuries: Physical assault, resulting in paralysis.
- Single Plaintiff.
- Basic Facts: A 12 year-old student ended up paralyzed from the waist down soon after a bully punched him so hard in the abdomen that a blood clot formed in one of his major arteries and burst when it reached his spine. Prior to the incident, the student had complained to school officials about being bullied, writing e-mails to the guidance counselor and assistant principal informing them that the bullying had increased, asking for help to figure out coping mechanisms, and wanting to create a record in the event that the bullying continued. Complications from

plaintiff's paralysis, including scoliosis, led to 19 surgeries and a complete spinal fusion. He nearly died several times.

- Cause of Action: Unknown.
- Plaintiff's Attorney: Jeffrey Youngman, Fair Lawn, NJ.
- More Information: <http://usnews.nbcnews.com/news/2012/04/19/11289813-42-million-settlement-for-student-paralyzed-by-bully#.UG8Ve7gt-dw.email>.

## **NEW YORK**

### ***Bari v. New York City Department of Education* (N.Y. Sup. Ct. 2004)**

- Jury Verdict: \$195,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Boy was physically and verbally harassed over a three-year period in elementary school. The school placed him and the bully in the same fifth grade class, even after the victim's mother requested that the school separate them. During a game of handball, the bully caused the boy to fall and break one wrist and sprain the other. The boy withdrew from school after that incident, as the school took no action to protect him after repeated complaints by his mother.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Philip J. Rizzuto of Carle Place, NY.
- More information: <http://www.nytimes.com/2004/05/01/nyregion/01about.html>.

### ***Eccleston v. Pine Bush Central School District, No. 12-cv-2303-KMK-PED* (S.D.N.Y. 2015)**

- Settlement: \$4.48 million and injunctive relief.
- Injunctive Relief: District will revise its policies and procedures regarding discrimination, bullying and harassment; promptly investigate and respond to harassment; report and track all harassment incidents; work with Anti-Defamation League to improve tolerance and reduce anti-Semitic harassment and other bullying through establishment of No Place for Hate Committee, curriculum for students, and professional development for all school employees and others who interact regularly with students; designate qualified Title VI Coordinator; administer anti-bullying survey to students; and make mental health counseling available to students with concerns connected with harassment or bullying. District must report on compliance to plaintiffs' counsel for three years. On an annual basis for three years, district must also submit anti-bullying policies and procedures, professional development, and curriculum to U.S. Department of Education's Office for Civil Rights for review.
- Harassment/injuries: Anti-Semitic harassment (verbal and physical).
- Multiple Plaintiffs (five).
- Basic Facts: Five Jewish students were subjected for years to severe and pervasive anti-Semitic harassment in Pine Bush Central School District. The harassment included anti-Semitic name-calling and taunts; Holocaust "jokes;" threats; physical violence; coins being thrown at or shoved in the mouths of Jewish children; Hitler salutes; and swastika graffiti. The students and their parents complained to school officials repeatedly, to no avail. Little to no discipline was imposed on the harassing students, and the district failed to take action to address the rampant and systemic harassment.
- Causes of Action: Claims under Title VI for deliberate indifference to harassment based on race or national origin; claims under 42 U.S.C. § 1983 alleging equal protection violations based on national origin or religion; claims under NY civil rights law based on national origin or creed.

- Plaintiffs' Attorneys: Ilann Maazel, O. Andrew F. Wilson, and Zoe Salzman of Emery Celli Brinckerhoff & Abady LLP, New York, NY; Michael Meth of Meth Law Offices, P.C., Chester, NY; and Adele P. Kimmel, Public Justice, P.C., Washington, DC.
- More information: [http://www.nytimes.com/2015/06/30/nyregion/pine-bush-school-district-anti-semitism-suit.html?\\_r=1](http://www.nytimes.com/2015/06/30/nyregion/pine-bush-school-district-anti-semitism-suit.html?_r=1).

***Ishmael v. City of New York*, (Richmond Cnty. Supreme Ct. 2015)**

- Settlement: \$300,000.
- Harassment/Injuries: Physical assaults based on race and religion.
- Single plaintiff.
- Basic Facts: Trinidadian Muslim junior high school student was physically harassed and assaulted for being a "terrorist" and "taking people's jobs." Primarily bullied by four students for one to two years. Boy left school system and was home schooled. The aggressors were found guilty of hate crimes in juvenile court proceedings.
- Cause(s) of Action: state tort claims.
- Plaintiff's Attorney(s): Edward J. Pavia Jr., D'Agostino & Assocs., P.C., Staten Island, NY.
- More information: [http://www.silive.com/northshore/index.ssf/2015/10/300000\\_settlement\\_in\\_bullying.html](http://www.silive.com/northshore/index.ssf/2015/10/300000_settlement_in_bullying.html); [http://www.silive.com/news/index.ssf/2011/11/since\\_being\\_bullied\\_at\\_school.html](http://www.silive.com/news/index.ssf/2011/11/since_being_bullied_at_school.html).

***J.L. v. Mohawk Central School District*, No. 09-cv-00943-DNH-DEP (N.D.N.Y. 2009)**

- Settlement: \$50,000 for plaintiff; \$25,000 for attorneys' fees; and injunctive relief.
- Injunctive Relief: School district was required to (1) retain an expert consultant in the area of harassment and discrimination based on sex, gender identity, gender expression, and sexual orientation to review the district's policies and procedures; (2) develop and implement a comprehensive plan for disseminating the district's harassment and discrimination policies and procedures; (3) retain an expert consultant to conduct annual training for faculty, staff, and students as deemed appropriate by the expert, on discrimination and harassment based on sex, gender identity, gender expression, and sexual orientation; (4) maintain records of investigations and responses to allegations of harassment for five years; and (5) provide annual compliance reports to the United States and private plaintiffs.
- Harassment/Injuries: Harassment involving gender-based stereotyping.
- Single Plaintiff.
- Basic Facts: Plaintiff was the victim of severe student-on-student harassment because he failed to conform to gender stereotypes in both behavior and appearance. He exhibited feminine mannerisms, dyed his hair, wore makeup and nail polish, and maintained predominantly female friendships. The bullying included name-calling, physical threats, and violence.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; Title IX claim for deliberate indifference to sex discrimination.
- Plaintiff's Attorneys: New York Civil Liberties Foundation; the United States Department of Justice (Civil Rights Division).
- More information: <http://www.justice.gov/opa/pr/justice-department-settles-new-york-school-district-ensure-students-have-equal-opportunities>.

***Kahn v. Ontario Central School District*, No. 12-CV-206-TJM (N.D. N.Y. 2013)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Physical and verbal anti-gay harassment.

- Single Plaintiff.
- Basic Facts: Plaintiff endured severe and ongoing verbal and physical anti-gay harassment over the course of five years that ultimately cause him to drop out of school.
- Cause of Action: Claim under Title IX for deliberate indifference to peer-on-peer harassment.
- Plaintiff's Attorney: Stephen Bergstein of Chester, NY.
- More Information: <http://www.dailyfreeman.com/general-news/20130501/onteoras-school-district-settles-lawsuit-with-gay-former-student-liam-kahn>.

***John M., et al v. Brentwood Union Free School District, No. 12-cv-02603-PKC-SIL (E.D.N.Y. 2015)***

- Settlement: Undisclosed amount.
- Harassment/Injuries: Physical and verbal racial harassment.
- Single Plaintiff.
- Basic Facts: Family of Caucasian high school student with disability sued school district for inadequately addressing their son's claims of racial harassment as a "minority" in a predominantly Hispanic and black school. The student was subjected to racial remarks, taunts, epithets, episodes of spitting, and physical assaults inflicted by non-Caucasian students. The student also felt himself at risk due to his minority ethnicity, the absence of any network of social contact and the lack of any support from the school staff. As a result of the racial harassment, the student underwent two psychiatric evaluations concluding that he was suffering from anxiety and depression. The school placed him in a home tutoring program to ensure his safety, but the family alleged that the program did not provide him with the free appropriate public education to which he was entitled. The school district refused the family's request to place their son in a private school that would accommodate his disabilities, so they put in him a private school at their own expense for his junior and senior years.
- Causes of Action: Claims under 20 U.S.C. § 1415 for violations of Individuals with Disabilities Education Act, Title II of Americans with Disabilities Act, and Section 504 of Rehabilitation Act.
- Plaintiffs' Attorney: Wayne J. Schaefer, Smithtown, NY.
- More Information: <http://nypost.com/2016/04/12/school-district-settles-case-over-white-students-claims-of-racial-harassment/>.

***Pratt v. Indian River Central School District, No. 09-cv-411-GTS-GHL (N.D.N.Y. 2013)***

- Settlement: Unknown amount and injunctive relief.
- Injunctive Relief: District will, among other things, hire a consultant to advise and make recommendations concerning the District's anti-harassment training, education, and policies; administer anti-harassment surveys of students annually, with questions designed to ascertain "hot spots" where bullying or harassment is occurring; and provide live, interactive staff training and student education concerning LGBT student harassment.
- Harassment/Injuries: Physical and verbal anti-gay harassment; plaintiffs were prohibited from forming a gay-straight alliance in high school.
- Multiple Plaintiffs (two).
- Basic Facts: Student endured relentless anti-gay harassment beginning in his earliest years of school. The harassment, which intensified in middle school and high school, included physical harassment and verbal taunts such as "faggot," "sissy," "queer," and "fudgepacker." The high school principal responded by asking the student to "tone it down," and refused to allow him and his sister to form a gay/straight alliance at school.

- Causes of Action: Claims under 20 U.S.C. § 4071 for violations of the Equal Access Act; claims under 42 U.S.C. § 1983 for denial right to free speech and association, and denial of equal protection and state law claims, including violations of the New York State Constitution, the New York Human Rights Act, and the New York Civil Rights Act.
- Plaintiffs' Attorneys: Thomas W. Ude, Jr., Michael Kavey, and Hayley Gorenberg of Lambda Legal Defense and Education Fund, New York, NY; and Adam T. Humann, and Maura M. Klugman of New York, NY.
- More Information: <http://www.lambdalegal.org/blog/pratt-v-indian-river-central-school-district-settlement>.

***Premi v. The City of New York, No. 09-cv-2348-FB-VVP (E.D.N.Y. 2010)***

- Settlement: \$30,000 and injunctive relief.
- Injunctive Relief: District agreed to: develop written lesson plans to address bias generally and against Sikhs specifically; discuss the school system's legal obligation to stop discrimination with school staff and security; and designate an individual at the high school to whom bias and harassment can be reported.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff
- Basic Facts: Student endured ongoing physical and verbal bullying at school because of his Sikh faith and ethnicity. On one occasion, another student punched him in the face, causing a laceration near his eye, and tried to remove his turban—even though wearing a turban is mandated by the Sikh faith.
- Causes of Action: Claims under Title VI for deliberate indifference to peer harassment; New York Human Rights Law; and state tort law.
- Plaintiff's Attorneys: Amardeep Singh Bhalla of The Sikh Coalition, New York, NY; Gurbir Singh Grewal and Gazeena Soni of New York, NY.
- More Information: <http://www.sikhcoalition.org/advisories/2010/public-school-settles-lawsuit-after-failing-to-protect-sikh-student-from-bullying>.

***Schneiderman v. Farmingdale United Free School District (Nassau Cnty. Supreme Ct. 2015)***

- Settlement: Undisclosed.
- Injunctive Relief: Unknown.
- Harassment/Injuries: Physical and verbal abuse.
- Single Plaintiff.
- Basic Facts: Middle school boy singled out for bullying by classmates for three years. Reason for targeting unclear. Boy experience serious physical attacks, repeated verbal harassment, social and psychological isolation. Result was suicidal ideation and one suicide attempt.
- Cause(s) of Action: state tort law claims.
- Plaintiff's Attorney(s): Neal Goldstein and Lori Frucht of Goldstein & Bashner, East Meadow, NY.
- More information: <http://www.prweb.com/releases/2015/01/prweb12437971.htm>.

***T.K., et al. v. New York City Department of Education, No. 14-3078-cv (2d Cir. 2016)***

- Judgment: Court of Appeals unanimously upheld district court judgment awarding plaintiffs reimbursement for one year of private school education for their daughter, a student with learning disabilities who was denied access to a free appropriate public education (FAPE) because of defendant's failure to address the severe bullying she endured.

- Harassment/Injuries: Physical and verbal harassment of learning-disabled student.
- Single Plaintiff.
- Basic Facts: Third grade student with autism was taunted and abused daily by classmates. She was socially ostracized by classmates in her mixed general and special education classroom, and sometimes physically abused to the point of sustaining bruises. As a result of the bullying, she lost her ability to function in class and focus on homework. The school principal repeatedly refused to discuss the bullying with the parents, and “stonewalled” their efforts to have the bullying addressed as part of the process for formulating the student’s Individualized Education Program (known as an “IEP”). As a result, the student’s parents removed their daughter from the school and enrolled her in a private school for children with learning disabilities.
- Cause of Action: Claim under Individuals with Disabilities Education Act.
- Plaintiffs’ Attorney: Gary S. Mayerson, New York, NY.
- More Information: <http://nypost.com/2016/01/21/city-to-pay-for-bullied-girls-private-school-tuition/>.

***Zeno v. Pine Plains Central School District*, 702 F.3d 655 (2d Cir. 2012)**

- Jury Verdict: \$1.25 million, reduced by judge to \$1 million.
- Harassment/Injuries: Racial harassment, including assault.
- Single Plaintiff.
- Basic Facts: Bi-racial student experienced severe and pervasive racist bullying. Although school district disciplined bullies and offered optional sensitivity training sessions, appeals court held that there was sufficient evidence for jury to conclude that school district should have done more to stop the serious and sometimes life-threatening harassment. Plaintiff endured racially derogatory graffiti, threats to his life, and physical assaults. At one point, bullies showed him a noose and threatened to take him to a tree for a hanging. Second Circuit affirmed \$1 million judgment.
- Cause of Action: Title VI claim for deliberate indifference to racial harassment.
- Plaintiff’s Attorneys: Stephen Bergstein, Helen Ullrich, Chester, NY.
- More Information: <http://news.findlaw.com/apnews/f31e58b5863247b69853114e04dce837>.

**NORTH DAKOTA**

***Unknown v. Fargo School District (Cass Cnty. Dist. Ct. 2010)***

- Settlement: \$300,000 (\$190,600 for student; \$109,400 for attorney’s fees).
- Injunctive Relief: District agreed to train teachers and staff on how to recognize and deal with bullying and to provide programs and curriculum on bullying for students at all grade levels.
- Harassment/Injuries: Physical and verbal harassment; several attempted suicides.
- Single Plaintiff.
- Basic Facts: Student endured ongoing physical and verbal harassment because of vision and speech impairments for nearly five years. He was hospitalized on six occasions after attempting to commit suicide. He withdrew from the school district because of its failure to protect him.
- Causes of Action: Unknown.
- Plaintiff’s Attorney: Patricia Monson of Fargo, ND.
- More Information: <http://www.valleynewslive.com/Global/story.asp?S=13681290> ; <http://www.wdaz.com/event/article/id/5449/>.

## **OHIO**

### ***Galloway v. Chesapeake Union Exempted Village Schools Bd. of Educ. (S.D. Ohio 2014)***

- Settlement: \$322,500
- Injunctive relief: School district must provide mandatory anti-bullying and harassment training to employees; all future bullying complaints are to be directed to the district superintendent; individual school employee defendants fired.
- Harassment/Injuries: Disability-based physical and emotional harassment.
- Single plaintiff.
- Basic Facts: Plaintiff Joseph Galloway was diagnosed with Asperger's, ADHD, and seizure disorder. Students and teachers at two separate schools taunted, abused, and discriminated against Galloway b/c of his disabilities. Teasing included questioning his sexual orientation. Culminated in several sexual assaults by classmates. Teachers and administrators did nothing to stop harassment.
- Causes of Action: Substantive due process claim alleging intentional injury to plaintiff, and pain and suffering to his parents; claim of equal protection violation for disability-based discrimination; claim of ADA violation for disability-based discrimination; claim of Title IX violations for deliberate indifference to gender and sexual orientation-based harassment; § 1983 *Monell* claim for failure to train and supervise school officials; state law tort claims for negligence/gross negligence.
- Plaintiff's Attorney(s): Kenneth Myers of Cleveland, OH.
- More Information: <http://www.herald-dispatch.com/news/x406443740/District-pays-300K-to-settle-case#.VPtpaqe72S4.email>.

### ***Jackson v. Bellevue School District (N.D. Ohio 2013)***

- Settlement: \$110,000.
- Multiple Plaintiffs (two)
- Harassment/Injuries: Verbal and physical harassment based on race.
- Basic Facts: Biracial 16 and 17-year-old sisters brought a lawsuit against their school district after enduring racial bullying. During a school assembly, the principal of the school called one of the girls to the front of the auditorium and was told to go to the bathroom to put up her hair because it was a distraction to the school. The girl was later suspended after trying to defend herself when another student threw a pen at her head and called her the N-word. The same student also told the girl, "That's why your grandpa picked cotton for my grandpa." The principal of the school singled out the girl for a drug search, made her take off her socks, and searched her personal belongings in her locker. After a crime was committed in the neighborhood, a student stood up in front of the girl's class and said, "Of course it'd be a black guy, f\_cking n\_gger!" The teacher pretended not to hear the comment. Although the school district suspended one student for telling the girl to "go back to Africa," she was suspended after making a comment to another student about the incident who said in a text, "we brought em here to work that's all there good for aunt no other need for em at all." Several weeks later, the principal sent the girls' mother an email saying that they were a "distraction to the educational process" and that if they did not "cease and desist" their actions, they may face out of school suspensions.
- Causes of Action: Violation of right to education environment free from racial discrimination, harassment, and intimidation (presumably, under Title VI).



- Plaintiffs' Attorney: Unknown.
- More Information: [http://thebellevuegazette.com/news/home\\_top/50701482/An-uphill-battle](http://thebellevuegazette.com/news/home_top/50701482/An-uphill-battle).

***King v. Union-Scioto Local School District, Ross County (2012)***

- Settlement: \$30,000, plus \$5,000 in attorneys' fees (pre-suit).
- Injunctive Relief: The school district agreed to improve its anti-bullying policies, create a complaint mechanism for students who are bullied, and train staff on "cultural understanding" and harassment of LGBT students.
- Harassment/Injuries: Anti-gay physical harassment.
- Single Plaintiff.
- Basic Facts: King was attacked by a classmate who had previously taunted him for being gay.
- Causes of Action: Unknown.
- Plaintiff's Attorney: ACLU of Ohio.
- More Information: [http://www.dispatch.com/content/stories/local/2012/07/20/Beating-of-gay-student-costs-schools-\\$35x000-in-settlement.html](http://www.dispatch.com/content/stories/local/2012/07/20/Beating-of-gay-student-costs-schools-$35x000-in-settlement.html) ;  
[http://www.glbqt.com/blogs/bullied\\_student\\_reaches\\_settlement\\_with\\_school\\_district.html](http://www.glbqt.com/blogs/bullied_student_reaches_settlement_with_school_district.html).

***Litty v. Carlisle Local School District (S.D. Ohio 2015)***

- Settlement: \$10,000.
- Injunctive relief: Unknown.
- Harassment/Injuries: Verbal anti-gay harassment.
- Single Plaintiff (and parents).
- Basic Facts: Throughout sophomore and junior year of high school, students taunted and harassed Litty based on his sexual orientation. He began skipping school so often that he was prosecuted for truancy. He attempted suicide in January 2011 and received psychiatric treatment. Family moved to Florida to get son away from school environment.
- Cause(s) of Action: Substantive and procedural due process claims for gender-based discrimination; Title IX claim for deliberate indifference to gender-based harassment; § 1983 claim against school district under *Monell* for failure to prevent or stop bullying; state law claims for negligence and gross negligence; bad faith; wanton and reckless conduct (to avoid official immunity defense); failure to train and supervise; and loss of consortium.
- Plaintiff(s) Attorneys: Neal Duiker of Gray & Dunning, Lebanon, OH.
- More Information: <http://www.daytondailynews.com/news/news/local/bullying-lawsuits-increasing/njppD/>.

***Logan v. Sycamore Community School Board of Education, No. 09-cv-00885, 2012 WL 2011037 (S.D. Ohio June 5, 2012)***

- Settlement: \$154,000 for family; \$66,000 for attorneys' fees.
- Harassment/Injuries: Physical and verbal harassment based on sex, resulting in suicide.
- Single Plaintiff.
- Basic Facts: Female high school student experienced physical and verbal harassment after classmates "sexted" nude images of her. The harassment intensified after she appeared on a television segment regarding sexting. Plaintiff subsequently committed suicide.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation; claim under Title IX for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: Alphonse Adam Gerhardstein, Jennifer Branch, Cincinnati, OH.

- More Information: <http://www.nydailynews.com/news/national/teen-bullying-victim-family-settlement-article-1.1178783>.

***Schroeder ex rel. Schroeder v. Maumee Board of Education*, 296 F. Supp. 2d 869 (N.D. Ohio 2003)**

- Settlement: Undisclosed amount.
- Harassment/Injuries: Anti-gay verbal and physical harassment based on perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: High school student experienced physical and verbal anti-gay harassment because he began advocating for gay rights when his older brother came out. The harassment intensified after a girl injured his back and testicles with her knee. Another student slammed plaintiff's head against a urinal, chipping his tooth.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violations; Title IX claim for deliberate indifference to sexual harassment.
- Plaintiff's Attorneys: Jillian S. Davis, Berkman, Gordon, Murray & DeVan, Cleveland, OH; Raymond V. Vasvari, Jr., ACLU of Ohio, Cleveland, OH.

***Shively v. Green Local School District Board of Education*, No. 5:11-cv-02398-BYP (N.D. Ohio 2015)**

- Settlement: \$500,000 and injunctive relief.
- Injunctive Relief: Anti-bullying training for all school district staff by U.S. Department of Education Office for Civil Rights ("OCR") or other third party; review of anti-bullying policies by OCR.
- Harassment/Injuries: Anti-Semitic and gender-based harassment (verbal and physical).
- Single Plaintiff (and parent).
- Basic Facts: Plaintiff endured years of anti-Semitic and gender-based harassment by her peers that escalated in middle and high schools. She was regularly taunted with anti-Semitic and gender-based slurs, harassed on social media where she was listed as a target on a "kill list," and physically abused, twice to the point of requiring medical treatment. Her and her mother's repeated complaints to school officials were to no avail. The harassment continued until she transferred to another school district.
- Causes of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation based on religion and substantive due process violation; claim under Title IX for deliberate indifference for gender-based harassment; and state tort law claims.
- Plaintiffs' Attorneys: Kenneth D. Myers, Law Offices of Kenneth D. Myers, Cleveland, OH; Christopher P. Thorman and Brendan D. Healy, Thorman Petrov Griffin Co., LPA, Cleveland, OH; Adele P. Kimmel, Public Justice, P.C., Washington, DC.
- More information: <http://www.ohio.com/news/break-news/green-school-board-agrees-to-500-000-settlement-to-end-lawsuit-over-bullying-1.598618>.

***Wencho v. Lakewood School District*, 177 Ohio Ct. App. 3d 469 (2008)**

- Settlement: Undisclosed
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Sixth grade student suffered from a "pattern of violence and threats" that culminated in an attack. Plaintiff alleged that the school district did not discipline the attacker, nor did it assist the plaintiff after the attack.

- Causes of Action: State tort law claims for negligence, negligent infliction of emotional distress, and assault.
- Plaintiff's Attorneys: John Chambers and James Burke of Cleveland.
- More information: <http://www.leagle.com/decision/In%20OHCO%2020080716361>;  
[http://blog.cleveland.com/metro/2009/06/michael\\_and\\_kelly\\_wencho\\_of\\_la.html](http://blog.cleveland.com/metro/2009/06/michael_and_kelly_wencho_of_la.html).

## **OKLAHOMA**

### ***Wright and Soupene v. Yukon Public Schools (Canadian Cnty. Dist. Ct. 2014)***

- Settlement: \$100,000 (school district); \$10,000 (teacher's insurance company).
- Harassment/Injuries: Social isolation.
- Multiple Plaintiffs (two).
- Basic Facts: Plaintiffs, two women acting as whistleblowers, sued the school district after three agricultural instructors and their students began harassing plaintiffs' daughters when the plaintiffs accused instructors of misappropriating funds from a vocational-agricultural high school program. The plaintiffs' daughters were routinely excluded from vocational-agricultural events and misinformed about meeting times. Classmates locked one student outside the classroom while the school guidance counselor told the other student that it would be best if she transferred schools.
- Causes of Action: Unknown.
- Plaintiffs' Attorney: Unknown.
- More Information: <http://newsok.com/yukon-school-district-settles-civil-lawsuit-with-former-vocational-agriculture-students/article/4747207>.

## **OREGON**

### ***CK v. Eugene School District, No. 12-CV-1640 (D. Or. 2012)***

- Settlement: \$5,000.
- Harassment/Injuries: Anti-gay verbal and physical harassment based on perceived sexual orientation.
- Single Plaintiff.
- Basic Facts: Middle school student experienced ongoing anti-gay verbal and physical harassment resulting in emotional distress and depression.
- Causes of Action: Title IX claim for deliberate indifference to peer-on-peer harassment; claim under 42 U.S.C. § 1983 alleging equal protection violations; claim under § 504 of the Rehabilitation Act; Oregon tort and statutory claims.
- Plaintiff's Attorney: Kevin C. Brague, Tigard, OR
- More Information: <http://www.registerguard.com/rg/news/local/30890695-110/district-suit-bullying-claimed-lawsuit.html.csp>.

### ***Bang v. Eugene School District (Lane Cty. Cir. Ct. 2016)***

- Settlement: \$15,000 (from school district).
- Harassment/Injuries: Physical assault of middle school student by four classmates.
- Single Plaintiff.
- Basic Facts: Middle school student intentionally threw a football at the victim's head, and the two got into a physical fight. They separated, but then another boy quickly tackled and punched the victim. Two other boys then joined in the beating, making it four-against-one. The victim

suffered bruising on his face, head, neck, and torso, and suffered psychological damage and pain. School allegedly knew that boy's attackers had a history of harassing and assaulting younger students.

- Causes of Action: Claim against school district for negligent supervision; claims against students for assault, battery, and intentional infliction of emotional distress.
- Plaintiff's Attorney: Kevin Brague, Kivel & Howard, LLP, Portland, OR
- More Information: <http://www.thefreelibrary.com/Schools+settle+bullying+lawsuit.-a0446697274>; <http://blog.lawinfo.com/2016/03/24/oregon-father-and-school-district-reach-settlement-over-sons-beating/>.

### ***Harrison v. Clatskanie School District, No. 3:13-cv-01837 (D. Or. 2015)***

- Settlement: \$225,000 (\$75,000 for each of three plaintiffs), and injunctive relief.
- Injunctive Relief: School district changed policies, increasing mental health services available to students, creating programming/training for staff and students about sexual harassment, and prohibiting cell phone use during school hours. The school district also formed a committee of students, parents, staff, and other community members to undertake anti-bullying initiatives.
- Harassment/Injuries: Sexual harassment involving coercion and threats by male students to share naked photos of female students.
- Multiple Plaintiffs (three).
- Basic Facts: Three female middle school students were victims of a "sextortion" scheme by male students who pressured them into sending naked photos of themselves, then threatened them if they refused to send more. The boys collected the photos as part of a competition to see who could get the most naked photos of female students. One of the victims attempted suicide as a result of the harassment. The students reported the incidents to school administrators, who told them to "suck it up" and that "boys will be boys."
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment, equal protection claim under 42 U.S.C. § 1983; Fourth Amendment claim under 42 U.S.C. § 1983; and state tort claims for intentional infliction of emotional distress, negligent breach of duty in loco parentis, and negligent breach of duty of supervision.
- Plaintiffs' Attorneys: Loren Lunsford, Martinsen ❖ Wright PC, Sacramento, CA; Amber H. Lunsford, Attorney at Law, Sacramento, CA.
- More Information: <http://www.kgw.com/story/news/education/2015/04/09/clatskanie-bullying-lawsuit/25523487/>; [http://www.dailyastorian.com/Local\\_News/20150413/clatskanie-settles-suit-alleging-online-bullying#.VYiXx\\_CX8Qg.mailto](http://www.dailyastorian.com/Local_News/20150413/clatskanie-settles-suit-alleging-online-bullying#.VYiXx_CX8Qg.mailto).

## **PENNSYLVANIA**

### ***C.S. v. Southern Columbia Area School District, No. 4:12-CV-01013-MWB (M.D. Pa 2014)***

- Settlement: \$130,000.
- Harassment/Injuries: Sexual assault.
- Basic Facts: Off-campus sexual assault.
- Single Plaintiff.
- Basic Facts: A member of the high school football team lured a female student off campus so that another member of the team could sexually assault her. After the sexual assault, the female student experienced bullying at school. The principal failed to take any action to address the resulting hostile sexual environment.

- Cause of Action: Title IX claim for deliberate indifference to peer-on-peer harassment, 14th Amendment Equal Protection Claim under 42 U.S.C. § 1983.
- Plaintiff's Attorneys: Benjamin Andreozzi and Heather Verchick of Harrisburg, PA.
- More Information: <http://wnep.com/2014/01/16/southern-columbia-schools-pay-130000-to-settle-lawsuit/>.

***Dahle ex rel. Timothy D. v. Titusville Area School District, 159 F. Supp. 2d 857 (W.D. Pa. 2001)***

- Settlement: \$312,000.
- Harassment/Injuries: Anti-gay harassment, including physical assault; attempted suicide.
- Single Plaintiff.
- Basic Facts: Plaintiff experienced verbal and physical harassment from sixth through tenth grade because of his sexual orientation, which caused him to attempt suicide and drop out of school.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection and substantive due process violations; claims under Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.
- Plaintiff's Attorneys: David C. Long, Oliveburg, PA; Michael L. Rosenfield, Pittsburgh, PA.
- More Information: <http://www.ncrights.org/site/DocServer/15reasons.pdf?docID=1621>.

***D.S.B. v. Pittsburgh Public Schools, No. 13-CV-1129-JFC (W.D. Pa. 2014)***

- Settlement: School system agreed to create two education funds for two sisters, each worth \$20,000; \$25,000 in attorneys' fees.
- Harassment/Injuries: Physical and verbal sex-based and color-based harassment.
- Multiple Plaintiffs (two).
- Basic Facts: Two African-American sisters, ages 8 and 11, experienced physical and verbal harassment because of their sex and color. One sister was assaulted by another African-American classmate because of her lighter complexion. The sisters experienced verbal taunts and physical assaults that included having their earrings torn out and their clothes ripped off. The verbal harassment included names such as "blackey," "crispy," "nigger," "black African bush bunny," "whore," "bitch," "cunt," and "smut."
- Causes of Action: Claim under Title IX for deliberate indifference to sex-based harassment; claim under Title VI for deliberate indifference to color-based harassment.
- Plaintiffs' Attorney: Charles Steele, Pittsburgh, PA.
- More Information: <http://triblive.com/news/adminpage/6029342-74/district-settlement-education#axzz343d72Zb6>.

***Enright v. Springfield School District No. 464, No. 04-cv-1653-JCJ (E.D. Pa. 2006)***

- Jury Verdict: \$400,000.
- Harassment/Injuries: Disability harassment, including sexual assault; and a suicide threat.
- Single Plaintiff.
- Basic Facts: A high school student masturbated in front of a seven-year-old disabled student while another student urged the seven-year old to engage in sexual contact with the masturbating student. The child suffered post traumatic stress disorder and threatened to commit suicide.
- Causes of Action: Claims under Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and Americans with Disabilities Act; claim under 42 U.S.C. § 1983 alleging due process violations.
- Plaintiff's Attorneys: Andrew Erba, Sherri Eyer, Gerald Williams, Philadelphia, PA.
- More Information: <http://www.paed.uscourts.gov/documents/opinions/08d0005p.pdf>.

***Mary V. v. Pittsburgh Public Schools, No. 09-cv-1082-DWA (W.D. Pa. 2010)***

- Settlement: \$55,000.
- Harassment/Injuries: Harassment based on female student's weight.
- Single plaintiff
- Basic Facts: A Frick Middle School student claimed that teasing from fellow students about her weight—and the administration's failure to halt the abuse—led her to develop anorexia. The harassment often occurred at lunch and would cause the girl to throw away her food instead of eating it in front of the boys.
- Causes of Action: Title IX claim for deliberate indifference to sex discrimination; Title IX claim for retaliation; claim under Pennsylvania Fair Educational Opportunities Act.
- Plaintiff's Attorney: Edward Olds, Pittsburgh, PA.
- More Information: <http://www.post-gazette.com/stories/local/neighborhoods-city/girls-mother-calls-settlement-with-pittsburgh-public-schools-unfair-258097/>; <http://www.post-gazette.com/stories/local/neighborhoods-city/pittsburgh-public-schools-settle-suit-over-girls-anorexia-taunting-257957/>.

***Price v. Scranton School District, No. 11-cv-0095 (M.D. Pa. 2012)***

- Settlement: \$97,500.
- Harassment/Injuries: Verbal harassment.
- Single Plaintiff.
- Basic Facts: Middle school student endured sex-based harassment and taunts for scratching her genitals due to a yeast infection. Students called the plaintiff names such as “bitch,” “slut,” “skank,” and “whore.” Teachers were aware of bullying, but took no action.
- Cause of Action: Claims under Title IX for deliberate indifference to peer harassment; 42 U.S.C. § 1983 for violation of substantive due process; and state tort law.
- Plaintiff's Attorney: Dave Frankel and Joshua Kershenbaum of Bryn Mawr, PA.
- More Information: <http://thetimes-tribune.com/news/scranton-school-district-settles-bullying-case-1.1344185>; <http://thetimes-tribune.com/news/bullying-federal-lawsuit-suit-lodged-against-scranton-school-district-headed-to-settlement-talks-1.1289388>.

***United States v. School District of Philadelphia, No. 10-cv-7301-SD (E.D. Pa. 2010)***

- Settlement: Injunctive relief only.
- Injunctive Relief: Settlement agreement requires school district to retain an expert consultant on harassment and discrimination based on race, color and/or national origin to review the district's harassment policies and procedures; develop and implement a comprehensive plan for preventing and addressing student-on-student harassment at South Philadelphia High School; conduct training of faculty, staff and students on discrimination and harassment based on race, color and/or national origin and to increase multi-cultural awareness; maintain records of investigations and responses to allegations of harassment; and provide annual compliance reports to the department and the Philadelphia Human Rights Commission, as well as make harassment data publicly available.
- Harassment/Injuries: National origin harassment, including assault.
- Multiple Plaintiffs (United States sued based on harassment of approximately 30 students)
- Basic Facts: Asian-American students were subjected to constant verbal and physical harassment at South Philadelphia High School. In December 2009, approximately 30 Asian-American students were attacked and 13 were sent to the emergency room. The Asian-American

Legal Defense and Education Fund filed an administrative complaint and the U.S. Department of Justice investigated and filed suit.

- Causes of Action: Title IV claim for deliberate indifference to discrimination based on race, color and/or national origin; claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiffs' Attorneys: U.S. Department of Justice (Civil Rights Division).
- More Information: <http://aaldef.org/news/news-story/justice-reaches-pact-with-philadelphia-schools-in-09-attacks-on-asian-american-students---washington.html>.

## **TENNESSEE**

### ***Holland v. LaLevee, No. 3:13-cv-00373 (M.D. Tenn. 2015)***

- Judgment: \$150,000 and injunction prohibiting use of plaintiff's photo.
- Harassment/Injuries: mental and emotional distress from online bullying.
- Single plaintiff (and his parents).
- Basic Facts: Photo of boy with Down syndrome taken at school was copied and reposted on internet sites by several unrelated individuals with offensive and derogatory words superimposed (e.g. "retard," "sick").
- Causes of Action: State invasion of privacy, misappropriation of likeness, defamation, intentional infliction of emotional distress, and Tenn. Personal Rights Protection Act claims.
- Plaintiffs' Attorney(s): Larry L. Crain, Crain, Shuette & Associates, LLC, Brentwood, TN.
- More information: <http://www.newschannel5.com/news/local-news/family-wins-150k-in-online-bullying-lawsuit>.

### ***Mathis v. Wayne County Board of Education, No. 09-cv-0034 (M.D. Tenn. 2009)***

- Jury Verdict: \$200,000 (divided equally between two plaintiffs).
- Harassment/Injuries: Sexual harassment, including assault.
- Two Plaintiffs.
- Basic Facts: An eighth grade student sexually assaulted two seventh grade students in the locker room. One plaintiff was held down by three students while another sodomized him with a felt-tipped marker. The other plaintiff was tricked into doing a blindfolded sit-up while a classmate stood above his face with his pants down.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment; claim under 42 U.S.C. § 1983 alleging equal protection and due process violations.
- Plaintiffs' Attorney: Edmund J. Schmidt III, Nashville, TN.
- More Information: <http://www.insurancejournal.com/news/southeast/2011/06/13/202320.htm>.  
[http://blogs.edweek.org/edweek/school\\_law/2012/08/jury\\_award\\_upheld\\_against\\_dist.html?qs=jury+verdict](http://blogs.edweek.org/edweek/school_law/2012/08/jury_award_upheld_against_dist.html?qs=jury+verdict).

***Phillips ex rel. Gentry v. Robertson County Board of Education*, No. M2012-00401-COA-R3-CV, 2012 WL 3984637 (Tenn. Ct. App. Sept. 11, 2012)**

- Judgment: \$300,000.
- Harassment/Injuries: Physical assault on disabled student with Asperger's syndrome.
- Single Plaintiff.
- Basic Facts: A classmate hit disabled student in the eye with a book while the teacher was out of the room. The injury required four surgeries and left the student legally blind in one eye. Plaintiff and his mother had reported prior incidents of bullying and teasing.
- Cause of Action: State tort law claim for negligence.
- Plaintiff's Attorney: Jonathan A. Street of Nashville, TN.
- More Information: [http://www.tsba.net/getdoc/d0faf055-9183-4e0a-9c93-a98ef152df89/SLQ\\_Sept\\_12.aspx](http://www.tsba.net/getdoc/d0faf055-9183-4e0a-9c93-a98ef152df89/SLQ_Sept_12.aspx).

***Richards v. Williamson County Board of Education*, No. 3:14-cv-0730 (M.D. Tenn. 2015)**

- Judgment: \$100,000 (plaintiff accepted Rule 68 offer of judgment).
- Harassment/Injuries: Sexual harassment and assault of female student by male student.
- Single Plaintiff.
- Basic Facts: Female high school student was sexually harassed and assaulted by male student with known history of violence and sexual misconduct. School did nothing in response to her first complaint of harassment. After plaintiff was sexually assaulted in front of multiple witnesses, the school suspended her attacker for a short period of time, but the harassment continued when he returned to school. Plaintiff transferred to another high school to ensure her safety.
- Cause of Action: Title IX claim for deliberate indifference to sexual harassment; plaintiff also filed separate state court action asserting tort claims.
- Plaintiff's Attorneys: Larry L. Crain, Crain, Shuette & Associates, LLC, Brentwood, TN; Adele P. Kimmel, Public Justice, P.C., Washington, DC; Brian Coleman, Drinker Biddle & Reath LLP, Washington, DC; Richard Lomuscio, Drinker Biddle & Reath LLP, New York, NY.

## **TEXAS**

***Mitchell v. Georgetown Independent School District*, No. 09-CV-0568-LY (W.D. Tex. 2010)**

- Settlement: Undisclosed amount.
- Injunctive Relief: School will work with the Anti-Defamation League's anti-bullying program and will provide faculty and students with anti-harassment training.
- Harassment/Injuries: Physical and verbal anti-gay harassment.
- Single Plaintiff.
- Basic Facts: Gay student was spit on, knocked unconscious, had his books thrown in the trash and his fingers broken because of his sexual orientation. He was called "gay" and "faggot" on a daily basis.
- Cause of Action: Title IX action for peer-on-peer harassment.
- Plaintiff's Attorney: Jim Harrington and Todd Batson of the Texas Civil Rights Project in Austin, TX.
- More Information: <http://www.texascivilrightsproject.org/2525/georgetown-isd-harassment-lawsuit-settled-brought-forth-by-youths-mother/>.



### ***Wyatt v. Kilgore Ind. School District (Tex. 2010)***

- Settlement: \$77,500.
- Injunctive Relief: Training session on sexual orientation and privacy policies. Update to student/teacher handbook that includes language about the district's anti-discrimination policy for sexual orientation.
- Single Plaintiff.
- Basic Facts: A 16-year-old high school sophomore was cornered in the locker room by her softball coaches who refused to let her leave until she admitted that she was a lesbian. They then called her mother and told her about her daughter's sexuality. After the girl's mother filed a lawsuit against the school district, counsel for the district obtained sworn affidavits from the girl's classmates attacking her character and integrity.
- Cause of Action: Constitutional privacy violations; unspecified violations of the 14<sup>th</sup> amendment.
- Plaintiff's Attorney: Paula Hinton, Vinson & Elkins; Jennifer Doan, Texas Civil Rights Project
- More Information: <http://dallas.culturemap.com/news/city-life/02-28-14-kilgore-school-district-outing-lesbian-student-gay-discrimination-lawsuit-skye-wyatt-settlement/>.

## **UTAH**

### ***Phan v. Granite School District, DOE (2013)***

- Settlement: Undisclosed amount and injunctive relief (pre-suit).
- Injunctive Relief: Expanded definition of what gender harassment means among other assurances to combat bullying.
- Single Plaintiff.
- Harassment/Injuries: Anti-gay harassment.
- Basic Facts: 14-year-old gay teen shot himself in front of other students near school because he had been bullied. He had been released from school early that day but returned to commit suicide. School previously looked into reports of the student's bullying and had determined that he was doing well but had issues at home.
- Causes of Action: Would have been filed under Title IX for deliberate indifference to gender harassment.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.lgbtqnation.com/2014/09/settlement-reached-in-case-of-bullied-gay-teen-who-committed-suicide/>.

## **VERMONT**

### ***Atkins v. City of Burlington School District, No. S0463-11 CnC (Vt. Sup. Ct. Chittenden Civil Div. 2012)***

- Settlement: \$25,000 and injunctive relief.
- Injunctive Relief: School district's equity director will work with bullying victim to make presentations to students about bullying and harassment; district will update anti-bullying policy; and school board will consider establishing other anti-bullying resources.
- Harassment/Injuries: Physical assault and verbal harassment.
- Single Plaintiff.
- Basic Facts: Student was taunted throughout his first year in middle school. The school made some accommodations after complaints by his mother, but the student was later assaulted on the

school bus by a girl with a history of altercations with other students, especially on the bus. He ended up with a broken arm after the assault.

- Cause of action: State tort law.
- Plaintiff's Attorney: Unknown.
- More Information: <http://www.burlingtonfreepress.com/article/20121219/NEWS02/312190023/Family-settles-bullying-lawsuit-against-Burlington-School-District>.

## **WASHINGTON**

### ***A.K. v. Shoreline School District No. 412, No. 11-cv-01521-JLR (W.D. Wa. 2011)***

- Settlement: \$160,000.
- Harassment/Injuries: Sexual assault.
- Single Plaintiff.
- Basic Facts: Five-year-old girl was forced to inappropriately touch two classmates and was later expelled.
- Cause of Action: Claim under state tort law.
- Plaintiff's Attorneys: Judith A. Lonquist, Susan B. Mindenbergs of Seattle, WA.
- More Information: <http://www.lexisnexis.com/legalnewsroom/litigation/b/jverdicts/archive/2013/05/08/failure-to-prevent-bullying-can-prove-costly-to-school-districts.aspx>

### ***A.M. v. Enumclaw School District (King Cty. Sup. Ct. 2016)***

- Settlement: \$295,000.
- Harassment/Injuries: Verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: Middle school student was harassed by other students for two years, with little intervention by school officials. He endured regular name-calling, shoving, hitting, and assault. During a social event at school, a group of students surrounded the victim, then kicked him and hit him in the mouth while another student videotaped it. The victim suffered a bloody nose, bruised ribs, and broken braces in the assault.
- Cause of Action: Unknown, but appear to under state tort law.
- Plaintiff's Attorney: Yvonne Kinoshita Ward, Auburn, WA.
- More Information: <http://www.courierherald.com/news/369833401.html>;  
<http://komonews.com/news/local/bullied-teen-sues-enumclaw-school-district-for-12m>.

### ***Dickerson v. Aberdeen School District No. 5, No. 10-cv-05886-BHS (W.D. Wa. 2010)***

- Settlement: \$100,000 for plaintiff; \$35,000 for attorneys' fees.
- Harassment/Injuries: Racial harassment; anti-gay sexual harassment.
- Single Plaintiff.
- Basic Facts: A student faced severe and pervasive harassment during middle and high school because of his race and perceived sexual orientation. Fellow students created a website impersonating and mocking plaintiff and posting harassing and racist comments about him, including a threat to lynch him. In a separate incident, students modified a photograph of plaintiff to make it look as if he were kissing another man. The photo was posted in the school locker room and transmitted between students through their cell-phones. Students hurled a litany of gay slurs and variations of the "N" word at him, taping the derogatory words to his back,

backpack and locker. Students also pushed him, spit on his lunch tray, and smashed a raw egg on his head.

- Causes of Action: Title VI claim for deliberate indifference to racial harassment; Title IX claim for deliberate indifference to sexual harassment; claim under Washington Law Against Discrimination; state tort claims.
- Plaintiff's Attorneys: Sarah A. Dunne and M. Rose Spidell, ACLU of Washington; Michael R. Scott; Joseph A.G. Sakay, Alexander Wu, Seattle, WA.
- More Information: <http://www.aclu-wa.org/sites/default/files/attachments/2010-12-07--Complaint%20Against%20Def%20Aberdeen%20SD.pdf>; [http://seattletimes.com/html/localnews/2017346456\\_bullied27m.html](http://seattletimes.com/html/localnews/2017346456_bullied27m.html).

***Doe v. Seattle Public Schools* (U.S. Dep't of Educ. Office for Civil Rights, Seattle Regional Office, 2014)**

- Settlement: \$700,000.
- Harassment/Injuries: Sexual violence (rape).
- Single Plaintiff.
- Basic Facts: High school sophomore alleged that she was raped by classmate during an overnight school field trip. She immediately reported the rape to school officials. Police investigated but did not pursue criminal charges. Parents filed complaint with OCR in Seattle alleging that school district's failure to follow proper investigatory and disciplinary procedures violated Title IX.
- Cause of Action: Sex-based discrimination under Title IX. (The family also filed a separate tort claim against the school district.)
- Plaintiff's Attorney: Jeffrey R. Caffee of Van Sicien Stocks Firkins in Auburn, WA (represented family on tort claim).
- More information: <http://www.seattletimes.com/seattle-news/700000-settlement-reached-in-garfield-high-field-trip-case/>; <http://stopsexualassaultinschools.org/wp-content/uploads/2015/03/OCR-Complaint-opened-June-2014-sept-24.pdf>.

***Iversen v. Kent School District, No. 97-cv-01194-WLD* (W.D. Wa. 1997)**

- Settlement: \$40,000 and injunctive relief.
- Injunctive relief: School district required to enforce its anti-harassment policies; train teachers and administrators about student-on –student harassment and discrimination based on sexual orientation.
- Harassment/Injuries: Anti-gay verbal and physical harassment.
- Single Plaintiff.
- Basic Facts: High school student suffered ongoing verbal and physical harassment because of his perceived sexual orientation. Eight classmates severely beat him while yelling “faggot” and “queer.” Although approximately thirty students watched the beating, none intervened. One teacher allegedly told plaintiff, “I already have 20 girls in my class. I don't need another.” Another teacher publicly questioned whether he was qualified to give blood, based on the perception that he was gay.
- Cause of Action: Claim under 42 U.S.C. § 1983 alleging equal protection violation.
- Plaintiff's Attorney: ACLU–Washington.
- More Information: <http://aclu-wa.org/news/settlement-reached-harassment-gay-student>.

***Webster v. Bainbridge Island School District, No. 10-2-00346-2 (Kitsap Cnty. Sup. Ct. 2013)***

- Judgment: \$300,000.
- Harassment/Injuries: Sexual assault and harassment.
- Single Plaintiff.
- Basic Facts: Over a five-month period, four upperclassmen exposed their genitals approximately 75 times to a severely developmentally delayed 14-year-old student with Asperger's Syndrome. The upperclassmen rubbed and thrust their genitals against the student, chased him with their genitals exposed when he resisted, and made lewd sexual comments to the plaintiff. The school took little action to end the harassment even after the student's mother complained to school officials between 10 and 12 times.
- Causes of Action: Title IX claim for deliberate indifference to peer-on-peer harassment; state tort law claim.
- Plaintiff's Attorneys: Tom Vertetis and Elizabeth Calora, Tacoma, Washington.
- More Information: <http://www.insidebainbridge.com/2013/10/29/bainbridge-school-district-found-guilty-of-negligence-in-student-sexual-bullying-case/>; <http://www.bisd303.org/Page/8564>.

**WISCONSIN**

***Hardy v. Racine Unified School District (Racine Cnty. Cir. Ct. 2012)***

- Settlement: \$15,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Classmates verbally and physically harassed kindergarten student. The boy was punched in the stomach and nose, pushed under tables, spit on, and strangled to the point where he could not breathe. Parents complained to the school, but the school took no action. Parents withdrew the boy from school and home-schooled him for the rest of the year.
- Cause of Action: Unknown.
- Plaintiff's Attorney: Timothy S. Knur of Racine, WI.  
More Information: <http://fox6now.com/2012/03/27/family-receives-bullying-settlement-from-racine-school-district/> ; [http://journaltimes.com/news/local/family-files-bullying-suit-against-racine-unified/article\\_2b35ce8a-e95c-11e0-9f90-001cc4c002e0.html](http://journaltimes.com/news/local/family-files-bullying-suit-against-racine-unified/article_2b35ce8a-e95c-11e0-9f90-001cc4c002e0.html).

***Kleist v. Wisconsin Rapids Public School District, No. 13-CV-00094-BBC (W.D. Wis. 2014)***

- Settlement: \$100,000.
- Harassment/Injuries: Sexual and verbal abuse because of a student's disability.
- Single Plaintiff.
- Basic Facts: Student with physical and cognitive disabilities, including 20/200 vision, deafness, developmental delays, and tremors experienced sexual and verbal abuse by members of the high school wrestling team. School officials did not take any steps to address the harassment.
- Causes of Action: Unspecified violations of the 14th Amendment; violations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
- Plaintiff's Attorneys: Christine Muggli, Wausau, WI; Paul Gagliardi, Salem, WI.
- More Information: <http://www.waow.com/story/25868850/2014/06/25/wisconsin-rapids-bullying-lawsuit-settled>.

***Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996)**

- Settlement: \$962,000 (after jury found school officials liable, but before it determined amount of damages).
- Harassment/Injuries: Anti-gay harassment, including assaults; plaintiff hospitalized and attempted suicide.
- Single Plaintiff.
- Basic Facts: Student subjected to relentless anti-gay physical and verbal abuse by fellow middle and high school students for years. Students urinated on him, pretended to rape him during class, and when they found him alone kicked him so many times in the stomach that he required surgery. Although they knew of the abuse, school officials said at one point that plaintiff should expect it if he's gay. Plaintiff attempted suicide several times, dropped out of school, and ultimately ran away from home.
- Causes of Action: Claims under 42 U.S.C. § 1983, alleging equal protection and due process violations. (Note: This was the first legal challenge to anti-gay violence in public schools.)
- Plaintiff's Attorneys: Lambda Legal Defense and Education Fund (Patricia Logue, David Buckel); cooperating counsel from Skadden, Arps in Chicago (David Springer)
- More Information: <http://www.lambdalegal.org/in-court/cases/nabozny-v-podlesny>.

**WYOMING**

***E.G. v. Laramie County School District #1*, No. 14-cv-00220-SWS (D. Wyo. 2016)**

- Settlement: Unknown.
- Harassment/Injuries: Sexual assault; subsequent verbal harassment and physical assault.
- Single Plaintiff.
- Basic Facts: Plaintiff, a female high school student, was raped at school by an older male student. She reported the rape the next day to the school's vice principal, but he failed to properly investigate. The perpetrating student told school officials he had sex and smoking marijuana with plaintiff. The school suspended plaintiff for using marijuana, without any substantiation other than the perpetrator's word, and expelled the perpetrator for drug use. It did little to investigate the rape allegations and encouraged plaintiff not to press criminal charges because of the impact it would have on the accused student. Plaintiff was subsequently bullied by others who accused her of making false allegations. She was publicly admonished by a teacher, verbally abused by other students, and physically assaulted by a student, causing two broken ribs. The school took no action to prevent or address this subsequent bullying and retaliation.
- Causes of Action: Title IX claim for deliberate indifference to sexual harassment and retaliation; claims under 42 U.S.C. § 1983 for violations of Equal Protection and Due Process Clauses.
- Plaintiff's Attorneys: Robert J. Reese of Green River, WY.
- More Information: [http://www.wyomingnews.com/news/cheyenne-south-student-s-rape-lawsuit-settles-out-of-court/article\\_7cd86be0-173c-11e6-bf48-478f5f9572e7.html](http://www.wyomingnews.com/news/cheyenne-south-student-s-rape-lawsuit-settles-out-of-court/article_7cd86be0-173c-11e6-bf48-478f5f9572e7.html).

***Gray v. Natrona County School District No. 1*, No. 10-cv-0099-NDF (D. Wyo. 2011)**

- Settlement: \$60,000.
- Harassment/Injuries: Physical and verbal harassment.
- Single Plaintiff.
- Basic Facts: Second-grade girl was verbally and physically harassed for months by a male classmate with a known history of assaulting others. The bully forced the girl to look at his underwear, punched her in the face, threw rocks at her, and pushed her off the monkey bars.

- Causes of Action: Claims under Title IX for deliberate indifference to peer harassment; 42 U.S.C. § 1983 for violation of Equal Protection Clause.
- Plaintiff's Attorneys: Frank Chapman and John H. Robinson of Casper, WY
- More Information: [http://trib.com/news/local/casper/parents-plan-to-donate-settlement-money-to-anti-bullying-effort/article\\_1c8d8187-a7e0-5786-b8af-b0ac646b25ab.html](http://trib.com/news/local/casper/parents-plan-to-donate-settlement-money-to-anti-bullying-effort/article_1c8d8187-a7e0-5786-b8af-b0ac646b25ab.html).