

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

**SUSAN WELCHEL, individually, and as)
personal representative of the ESTATE)
OF LANE GREY WELCHEL)**

Plaintiffs,

Case No.:

v.

**CAMERON R-1 SCHOOL DISTRICT)
Serve:)
c/o Dr. Matt Robinson)
423 N. Chestnut)
Cameron, MO 64429)**

**BOARD OF EDUCATION OF)
CAMERON R-1 SCHOOL DISTRICT)
Serve:)
c/o Dr. Matt Robinson)
423 N. Chestnut)
Cameron, MO 64429)**

**DR. MATT ROBINSON)
Serve:)
423 N. Chestnut)
Cameron, MO 64429)**

**TIFFANI COLLINS)
Serve:)
Cameron Veterans Middle School)
1015 South Park)
Cameron, MO 64429)**

Defendants.

COMPLAINT

COMES NOW Plaintiffs Susan Welchel, individually, and as personal representative of the Estate of Lane Grey Welchel state and allege as follows for their Complaint against Defendants Cameron R-1 School District, Board of Education of Cameron R-1 School District, Dr. Matt Robinson, and Tiffani Collins:

NATURE OF THE CASE

1. This suit is brought under 42 U.S.C. § 2000d, 42 U.S.C. § 1983, and Missouri law.

2. This suit is brought to remedy Defendants' failure to protect and direct participation in discrimination, bullying, and harassment of Lane Welchel based on national origin and religion, which ultimately resulted in his suicide.

THE PARTIES

3. Plaintiff Susan Welchel is a resident of the State of Missouri and is the natural mother of Lane Welchel, who is deceased.

4. Lane Welchel's date of birth is April 8, 2002.

5. Plaintiff Susan Welchel is a member of the class of individuals authorized to pursue a wrongful death claim under § 537.080 R.S. Mo.

6. Plaintiff Susan Welchel has been appointed personal representative of the Estate of Lane Grey Welchel.

7. Defendant Cameron R-1 School District is a Missouri school district and is located at 423 N. Chestnut, Cameron, Missouri 64429.

8. On information and belief, a policy or policies of insurance provide coverage for the School District for the acts and omissions alleged herein.

9. Defendant Board of Education of the Cameron R-1 School District is the governing body of the School District.

10. On information and belief, a policy or policies of insurance provide coverage for the Board of Education for the acts and omissions alleged herein.

11. Defendant Dr. Matt Robinson is the Superintendent of the Defendant School District and chief executive officer of Defendant Board of Education. Defendant Robinson is being sued in his official and individual capacity.

12. On information and belief, a policy or policies of insurance provide coverage for the Dr. Robinson for the acts and omissions alleged herein.

13. Defendant Tiffani Collins is the Principal of Cameron Veterans Middle School of the Defendant School District. Defendant Collins is being sued in her official and individual capacity.

14. On information and belief, a policy or policies of insurance provide coverage for the Ms. Collins for the acts and omissions alleged herein.

JURISDICTION AND VENUE

15. This Court has original jurisdiction over the federal law claims asserted in this action and supplemental jurisdiction over the state law claims.

16. Venue is proper under 28 U.S.C. § 1391 because all parties reside in and the events giving rise to this action occurred in the judicial district of the Western District of Missouri.

FACTUAL ALLEGATIONS

17. Defendant School District operates the Cameron Veterans Middle School and Cameron High School.

18. The Board of Education has set policies that govern the operation and responsibilities of the School District, including Cameron Veterans Middle School and Cameron High School

School District Polices Prohibit Discrimination, Harassment, and Retaliation

19. According to policy, the School District strictly prohibits discrimination and harassment of students on the basis of religion, national origin, and ancestry.

20. According to policy, discrimination includes differential treatment of a person based on religion, national original, or ancestry or based on a belief that such a characteristic exists.

21. According to policy, harassment occurs when the school environment becomes permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive enough that it unreasonably alters the educational environment.

22. According to policy, the School District prohibits retaliatory actions, including discrimination, against a student (or other individual) who complains or reports prohibited discrimination or harassment.

23. According to policy, the School District further prohibits behavior that does not rise to the level of illegal discrimination, harassment, or retaliation, but that is demeaning or otherwise harmful, particularly if directed at personal characteristics.

School District Polices Require Immediate Investigation of Discrimination, Harassment, or Retaliation

24. According to policy, when a report is made of potential discrimination, harassment or retaliation, the School District will take immediate action to protect the alleged victim, including implementing interim measures. According to policy, such interim measures include altering a class seating arrangement or providing additional supervision for the victim.

25. According to policy, when a report is made of potential discrimination, harassment or retaliation, the School District will take immediate steps to prevent

retaliation against the alleged victim. According to policy, such steps include notifying the victim that he is protected from retaliation and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred.

26. According to policy, if the School District determines that discrimination, harassment or retaliation have occurred, the School District will take prompt, effective, and appropriate action to address the behavior and remedy its effects.

27. According to policy, students who violate the policy against discrimination, harassment, and retaliation, will be disciplined, which may include suspension or expulsion.

28. According to policy, when the School District provides a remedy in response to discrimination, harassment, and retaliation, the School District will attempt to minimize the burden on the victim. According to policies, these remedies may include providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class. According to policy, the School District also may perform a climate check to assess the environment in the School District.

29. According to policy, Defendant Dr. Robinson, the Superintendent, is the compliance officer for the School District.

30. According to policy, all employees of the School District are required to report to the compliance officer any reports, observations, rumors or other information regarding actions that violate the policy against discrimination, harassment, and retaliation.

31. According to policy, once the grievance officer learns about possible discrimination, harassment, or retaliation, the School District will conduct a prompt, impartial, adequate, reliable, and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

32. According to policy, building-level administrators are in a unique position to identify and address discrimination, harassment, and retaliation between students.

33. According to policy, administrators will report all incidents of discrimination, harassment, and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance.

34. According to policy, the School District will immediately investigate all grievances.

35. According to policy, if, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment, retaliation or other prohibited behavior has occurred, the School District will take immediate corrective action.

36. According to policy, an investigation will commence immediately, but no later than five working days after the compliance officer receives a grievance alleging discrimination, harassment, or retaliation.

37. According to policy, within 30 working days of receiving a grievance alleging discrimination, harassment, or retaliation, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of the policy based on the appropriate legal standards. If a violation of the policy is found, the compliance officer will recommend corrective action to the

superintendent to address the discrimination, harassment, or retaliation; prevent recurrence; and remedy its effects.

38. According to policy, the victim and any alleged perpetrator will be notified in writing, within five working days of the completion of a report, regarding whether the policy was violated.

39. According to policy, the School District will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment, or retaliation.

40. According to policy, the School District will instruct employees to make all complaints to the School District's compliance officer or acting compliance officer.

41. According to policy, the School District will inform employees of the consequences of violating the reporting requirements and the remedies the School District may use to rectify violations.

42. According to policy, the School District will provide additional training to any person responsible for investigating discrimination, harassment, or retaliation.

School District Policies Prohibit Bullying

43. According to policy, the School District prohibits all forms of bullying and prohibits retaliation against any person who reports bullying.

44. According to policy, bullying is defined as intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for his or her physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence,

gestures, theft, or property damage; oral, written, or electronic communication, including name-calling, put-downs, extortion, or threats; or threats of reprisal or retaliation for reporting such acts.

School District Policies Require Immediate Investigation of Bullying

45. According to policy, the principal is designated as the individual to receive and investigate reports of bullying.

46. According to policy, the School District's compliance officer serves as the District-wide antibullying coordinator. The antibullying coordinator will receive all completed investigative reports from all buildings and analyze the reports.

47. According to policy, within two school days of receiving a report of bullying, the principal will initiate an investigation of the incident.

48. According to policy, if the principal determines that the bullying involves illegal discrimination, harassment, or retaliation, the principal will report the incident to the compliance officer, who will assist in the investigation.

49. According to policy, the investigation shall be completed within ten school days of the date the report of bullying was received unless good cause exists to extend the investigation.

50. According to policy, the principal will generate a written report of the investigation and findings and send a copy of the completed report to the School District's antibullying coordinator.

51. According to policy, the principal will document the report in the files of the victim and the actual or alleged perpetrator of bullying.

52. According to policy, students who participate in bullying will be disciplined, which may include detention, in-school suspension, out-of-school suspension, expulsion, removal from participating in activities, or other consequences.

53. According to policy, the principal will take appropriate action to assist student victims, including contacting the parents of the victim and perpetrator, and notifying staff to assist the victim.

54. According to policy, district employees that violate the policy will be disciplined or terminated.

55. According to policy, the district antibullying coordinator will provide information and training to assist employees in identifying, preventing, and responding to bullying.

56. According to policy, the School District will provide education and information about bullying and the policy to students every year.

School District Recognizes that Students Are at a High Risk for Committing Suicide

57. School District policy expressly recognizes that suicide is a leading cause of death among youths in Missouri.

Multiple Students Subjected Lane Welchel to Relentless Discrimination, Harassment, and Bullying Due to His Jewish Faith and National Origin

58. Lane Welchel was 14 years old when he started the 2016-2017 school year at Cameron Veterans Middle School.

59. In the summer before the 2016-17 school year, Lane Welchel began to more strongly identify with his Jewish ancestry and faith.

60. Lane Welchel is a descendent of Jewish family members who immigrated to the United States from Germany.

61. From the beginning of the 2016-17 school year, Lane Welchel wore a yarmulke and Star of David in observance and recognition of his Jewish faith and origin.

62. Because Lane Welchel was wearing visible reflections of his Jewish faith and national origin, other students began to bully and harass him based on his observance and recognition of his Jewish faith and origin.

63. The students' bullying and harassment of Lane Welchel began in the fall and lasted the entire semester.

64. Despite the incessant bullying and harassment, the School District did nothing to protect Lane Welchel or stop his mistreatment by other students.

Lane Welchel Entered a Hospital for Mental Health Treatment as a Result of the Discrimination, Harassment, and Bullying

65. Over the winter break in January 2017, Lane Welchel told his mother, Susan Welchel, about the bullying he had been subjected to. Lane Welchel told his mother that the constant bullying had caused him to sink into depression.

66. Susan Welchel took Lane Welchel to a therapist to receive treatment for the mental depression he was struggling with due to the bullying and harassment.

67. In January 2017, Lane Welchel was hospitalized for contemplating suicide due to the bullying and harassment he was suffering at school.

Susan Welchel Repeatedly Informed Defendants that Lane Welchel Was Being Harassed and Bullied Due to His Jewish Faith and Origin

68. On January 25, 2017, Susan Welchel went to Cameron Veterans Middle School to meet with Principal Tiffani Collins and report the bullying and harassment being directed at Lane Welchel

69. Susan Welchel informed Tiffani Collins and the School District that Lane Welchel was being bullied and harassed at school due to his Jewish religion and identity.

70. Susan Welchel also informed Tiffani Collins and the School District that Lane Welchel was hospitalized due to contemplating suicide as a result of being bullied and harassed at school due to his Jewish religion and identity.

71. Defendant Collins first concern was that Susan Welchel fill out the appropriate form. Defendant Collins even made a note that Susan Welchel would not fill out the form, and that Defendant Collins directed her to fill out the form.

72. Defendant Collins and the School District's response to the bullying and harassment was to make a note that in the future teachers would be more diligent in watching classrooms and hallways.

73. In February 2017, Susan Welchel informed Tiffani Collins and the School District that Lane Welchel was afraid to disclose the names of the multiple bullies because he feared being targeted for further harassment.

74. On February 22, 2017, Susan Welchel called the school to provide the names of several students that had been bullying and harassing Lane Welchel on the basis of his Jewish religion and identity.

75. Susan Welchel was informed that she had to fill out a bullying report form.

76. The School District did not respond to Susan Welchel's information until she had filled out the bullying report form.

77. Susan Welchel filled out another bullying incident report identifying the names of at least six students that were bullying and harassing Lane Welchel. The bullies were mocking and harassing Lane Welchel by calling him "Jew Boy" and making insulting jokes about his Jewish religion and identity.

78. The School District did not interview all of the bullies identified in the report.

79. The School District did not discipline any of the bullies identified in the report.

Defendants Blamed Lane Welchel for Anti-Jewish Hate Symbols Being Spray-Painted on the School Building

80. On or about April 11, 2017, a student spray painted swastikas and other graffiti on the Cameron Veterans Middle School building.

81. The School District found evidence of the student who painted the swastikas and other graffiti on the school building.

82. The swastika graffiti represented yet another instances of bullying and harassment directed at Lane Welchel's Jewish faith and identity.

83. The School District did not provide any support or services to Lane Welchel in response to the latest attack on him.

84. Instead, on April 13, 2017, Defendants School District and Collins searched Lane Welchel's backpack, which was in his locker.

85. Lane Welchel's backpack was his property, not school property.

86. According to School District policy, student property may be searched only if there is a reasonable suspicion, based on facts known or credible information, that the student has violated a School District rule or policy.

87. Defendants School District and Collins only documented basis to search Lane Welchel's property was a report from "a student."

88. Defendants School District and Collins searched Lane Welchel's locker on the suspicion that Lane Welchel, a Jewish boy, was involved or had painted swastikas on the school building.

89. That suspicion was allegedly "based upon a report from a student."

90. The School District found ibuprofen, Excedrin, a single Prozac pill, and allergy medication.

91. Lane Welchel explained that he had a prescription for the Prozac, had the aspirin for headaches, and allergy pills for his allergies.

92. The School District's response was to suspend Lane Welchel for 4 ½ days.

93. The School District also reported finding the medication to the police department.

Lane Welchel Had to Be Admitted into Two Rivers Hospital for Further Mental Health Treatment

94. Lane Welchel was evaluated at a hospital and then taken to Two Rivers Hospital and admitted for in-patient mental health treatment.

95. Two Rivers evaluated and treated Lane Welchel for approximately 7 days, noting the extensive bullying he had been subjected to while at school.

School District Has Policies Governing Suspension and Expulsion of Students

96. According to policy, a principal may suspend a student up to ten school days, and a superintendent may suspend a student for up to 180 school days.

97. According to policy, before suspending a student, a principal or superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.

98. If a student is suspended for more than ten school days, the following rules also apply:

- a. The student, his or her parents, guardians or others having custodial care have a right to appeal the superintendent's decision to the Board or a committee of the Board appointed by the Board president.
 - b. If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the superintendent's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
 - c. All notices of appeal shall be transmitted, either by the appealing party or by the superintendent, to the secretary of the Board. Oral notices, if made to the superintendent, shall be reduced to writing and communicated to the secretary of the Board.
 - d. The superintendent, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.
 - e. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel, to call witnesses, and to present evidence at the hearing.
 - f. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.
99. According to policy, only the School Board may expel a student or suspend a student for more than 180 school days.

Defendants Continued to Accuse Lane Welchel of Being Responsible for Anti-Jewish Hate Symbols Being Spray-Painted and Violated Policies by Expelling Him from School

100. While Lane Welchel was still a patient at Two Rivers, Defendant Collins called Susan Welchel to ask if she could call Lane Welchel *while he was still a patient* at Two Rivers.

101. Defendant Collins stated that she wanted to interrogate Lane Welchel about the swastikas and other graffiti sprayed on the school.

102. Defendant Collins and the School District accused Lane Welchel of performing or being involved in spray painting swastikas and other graffiti on the school building.

103. Defendant Collins also told Susan Welchel that the time Lane Welchel spent in Two Rivers did not count toward the days he was suspended.

104. On or about April 28, 2017, Susan Welchel received a letter from the School District stating that Lane Welchel was being suspended for 4 ½ days for possession of medication/drugs in his locker without a physician's note.

105. By April 28, 2017, Lane Welchel had been out of school for 11 days, far more than the original 4 ½ day suspension.

106. Further, Defendants would not let Lane Welchel return to school.

107. Defendants continued to accuse Lane Welchel, an individual of Jewish faith and identity, of spray painting swastikas on the school building. Defendants demanded to interrogate Lane Welchel before they would allow him to return to school.

108. Defendants continued to block Lane Welchel from returning to school despite the fact that another student had admitted to the act and been criminally charged for the act.

109. Defendants continued to block Lane Welchel from returning to school despite the fact that Lane Welchel had not been accused or charged by the police department or prosecutor with any crime or wrongdoing related the graffiti.

110. Susan Welchel met with Defendant Robinson and told him about the bullying Lane Welchel had been subjected to. Susan Welchel told Defendant Robinson that she was worried about Lane Welchel's mental health as a result of what had been happening at school.

111. Defendant Robinson told Susan Welchel that Lane Welchel was not going to be allowed back into the school.

112. According to Defendant Robinson, Lane Welchel was not allowed on the school grounds unaccompanied.

113. According to Defendant Robinson, Susan Welchel must walk Lane Welchel to the school three days a week at 3:30 pm to pick up his homework.

114. Lane Welchel did not return to Cameron Veterans Middle School.

115. Defendants removed him from the school on April 13, 2017, and did not let him return.

116. Defendants expelled Lane Welchel from Cameron Veterans Middle School without due process.

117. Defendant Robinson also told Susan Welchel that Lane Welchel would not be allowed to start Cameron High School in the fall of 2017 until he consented to being questioned about the graffiti.

118. Defendants expelled Lane Welchel from the School District without due process until they interrogated him about the graffiti incident.

119. Finally, Defendant relented and allowed Lane Welchel to enroll in Cameron High School in the fall of 2017.

Defendants Finally Permitted Lane Welchel to Return and Continued to Fail to Protect Him from Discrimination, Harassment and Bullying

120. After starting Cameron High School, Lane Welchel was again subjected to bullying and harassment by other students.

121. Lane Welchel reported the bullying and harassment to authorities at Cameron High School.

122. Defendants did not stop the bullying or harassment.
123. Students continued to bully and harass Lane Welchel.
124. On December 22, 2017, Lane Welchel committed suicide in his home.

**Defendants Violated Numerous School District Policies and Retaliated
Against Rather than Protect Lane Welchel**

125. Multiple students were discriminating, harassing, and demeaning Lane Welchel on the basis of his Jewish faith and his national origin, which violates School District policies.

126. Defendants did not take immediate action to protect Lane Welchel or implement interim measures, which violates School District policies.

127. Defendants did not take any immediate steps such as notifying Lane Welchel that he was protected from retaliation or initiating follow-up contact with Lane to determine if the behavior was ongoing, which violates School District policies.

128. Defendant did not discipline the students that were discriminating, harassing, and demeaning Lane Welchel, which violates School District policies.

129. Defendants did not attempt to minimize the burden on Lane Welchel through means such as providing counseling resources, moving the perpetrators to different classes or schools, provide an escort between classes, or perform a climate check to test the environment, which violates School District policies.

130. Defendants did not immediately investigate the Welchels' grievances and did not perform a prompt, adequate, or thorough investigation, which violates School District policies.

131. Defendants did not notify Lane Welchel or any of the perpetrators in writing whether School District policies had been violated, which violates School District policies.

132. Defendants did not complete reports regarding the bullying, discrimination, and harassment suffered by Lane Welchel, provide such reports to the compliance officer, or document such reports in the files of Lane Welchel or the perpetrators.

133. Rather, instead of protecting Lane Welchel, Defendants left him open to continuing discrimination, retaliation, and bullying after such behavior was reported, which resulted in retaliation against School District policies.

134. Defendants further retaliated against Lane Welchel in violation of School District policy by searching his personal property under the accusation that he had spray painted swastika graffiti on the school building.

135. Defendants further retaliated against Lane Welchel by suspending and expelling Lane Welchel in violation of School District policy.

136. Defendants further retaliated against Lane Welchel by not protecting him or responding to reports of bullying, harassment, and discrimination at Cameron High School, in violation of School District policy.

COUNT I

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. Discrimination on the Basis of National Origin

Hostile Environment

(Against School District and School Board)

137. Plaintiffs incorporate by reference all preceding paragraphs.

138. Upon information and belief, the School District, the School Board, and each school within the School District attended by Lane Welchel are recipients of federal financial assistance.

139. The acts and omissions of the School District and School Board, which include acts and omissions of School District officials and employees, violated Lane Welchel's rights under Title VI by discriminating against him on the basis of national origin (Jewish ancestry).

140. School District and School officials had actual notice that harassment based on national origin was so severe, pervasive, and objectively offensive that it created a hostile climate based on national origin that deprived Lane Welchel of access to educational programs, activities, and opportunities. Defendants had actual notice including from Susan and Lane Welchel reporting the bullying and harassment, Susan Welchel informing Defendants that Lane was suicidal due to the bullying and harassment, and through Defendants' interviews with a small number of the perpetrators who admitted to the conduct.

141. Further, School District and School Board and School District, and their policymakers, officials and other employees, created a hostile atmosphere by not stopping the bullying and harassment or providing protection from the conduct, not investigating the bullying and harassment, blaming Lane Welchel for the swastika graffiti, and suspending and expelling Lane Welchel.

142. The School District and School Board and School District, and their policymakers, officials and other employees, exhibited deliberate indifference to the harassment of Lane Welchel based on national origin in violation of Title VI by not responding to the reporting of harassment, not investigating the harassment, not

disciplining perpetrators, not protecting or supporting Lane Welchel, and blaming Lane Welchel for swastika graffiti rather than providing support to Lane Welchel. Through their unlawful deliberate indifference, the School District and School Board caused Lane Welchel to be subjected to the above-described national origin discrimination.

143. The School District's and the School Board's violations of Title VI were the actual, direct, and proximate cause of Lane Welchel's injuries, including for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

144. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

145. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

COUNT II

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. Discrimination on the Basis of National Origin

Retaliation

(Against School District and School Board)

146. Plaintiffs incorporate by reference all preceding paragraphs.

147. Upon information and belief, the School District, the School Board, and each school within the School District attended by Lane Welchel are recipients of federal financial assistance.

148. The acts and omissions of the School District and School Board, which include acts and omissions of School District officials and employees, violated Lane Welchel's rights under Title VI by discriminating against him on the basis of national origin (Jewish ancestry).

149. Plaintiffs engaged in protected activity by reporting discriminatory treatment and harassment based on the national origin of Lane Welchel

150. Defendants retaliated by not protecting Lane Welchel from further harassment, searching Lane Welchel's personal property, blaming Lane Welchel for swastika graffiti, suspending and expelling Lane Welchel, and ignoring repeated reports of bullying and harassment.

151. Defendants engaged in retaliatory behavior in response to Plaintiffs' protected activities.

152. The School District's and the School Board's violations of Title VI were the actual, direct, and proximate cause of injuries suffered by Lane Welchel injuries, including for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

153. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

154. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

COUNT III

Violation of 42 U.S.C. § 1983 for Denial of Lane Welch's Rights Under the 14th Amendment – Failure to Train and Supervise

(Against School District and School Board)

155. Plaintiffs hereby incorporate by reference the prior allegations as if fully set forth herein.

156. School District, through its employees, who were acting under color of law in their capacities as employees of the School District, deprived Lane Welch of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

157. Board of Education, through its members, who were acting under color of law in their capacities as members of the Board of Education, deprived Lane Welch of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

158. Defendants failed to adequately train its employees and/or members in the handling and proper investigation of allegations of discrimination, harassment, and bullying based upon religion and national origin.

159. Defendants' failure to train reflects a reckless disregard for or deliberate indifference to the rights of students such that the inadequate training or supervision represents policy.

160. The implementation of training and measures to investigate and protect school children from discrimination, harassment, and bullying based upon religion and national origin is a necessity to prevent its occurrence and recurrence, resulting in the violation of students' constitutional rights.

161. Defendants' acts of failing to investigate and protect students following multiple known acts of discrimination, harassment, and bullying based upon religion and national origin against Lane Welchel represents a pattern of unconstitutional conduct that was known to Defendants.

162. Defendants' failure to correct this pattern represents a deliberate indifference to Lane Welchel's rights.

163. Defendants' policy of failing to adequately train and supervise was the actual and proximate cause of constitutional deprivations, discrimination, harassment, and bullying based upon religion and national origin against Lane Welchel

164. As a direct and proximate result of Defendants' deliberate indifference to known acts of constitutional deprivation, Lane Welchel suffered damages in the following ways, including but not limited to: damages for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

165. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

166. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

COUNT IV

**Violation of 42 U.S.C. § 1983 for Denial of Lane Welch's Rights Under the
14th Amendment – Unconstitutional Practice**

(Against School District and School Board)

167. Plaintiffs hereby incorporate by reference the prior allegations as if fully set forth herein.

168. School District, through its employees, who were acting under color of law in their capacities as employees of the School District, deprived Lane Welch of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

169. Board of Education, through its members, who were acting under color of law in their capacities as members of the Board of Education, deprived Lane Welch of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

170. Defendants failed to adequately respond to known instances of discrimination, harassment, and bullying based upon religion and national origin against students.

171. Defendants' failure to adequately respond reflects a reckless disregard for or deliberate indifference to the rights of students.

172. Defendants have an obligation to respond to known instances of discrimination, harassment, and bullying based upon religion and national origin by students against another student in order to protect the children in the School District.

173. Defendants' acts of failing to adequately respond following multiple known acts of discrimination, harassment, and bullying based upon religion and national origin

against Lane Welchel represents a pattern of unconstitutional conduct that was known to School District.

174. Defendants' failure to correct this custom, usage, pattern, or practice represents a deliberate indifference to Lane Welchel's rights.

175. Defendants' failure was the actual and proximate cause of constitutional deprivations against Lane Welchel

176. As a direct and proximate result of Defendants' deliberate indifference to known acts of constitutional deprivation, Lane Welchel suffered damages, including for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

177. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

178. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

COUNT V

Violation of 42 U.S.C. § 1983 for Denial of Lane Welchel's Rights Under the 14th Amendment – Unconstitutional Act

(Against School District and School Board)

179. Plaintiffs hereby incorporate by reference the prior allegations as if fully set forth herein.

180. School District, through its employees, who were acting under color of law in their capacities as employees of the School District, deprived Lane Welchel of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

181. Board of Education, through its members, who were acting under color of law in their capacities as members of the Board of Education, deprived Lane Welchel of his rights under the 14th Amendment to the Constitution of the United States to equal protection under the law.

182. Defendants failed to adequately respond and take action to known instances of discrimination, harassment, and bullying based upon religion and national origin against students.

183. Defendants' failure to adequately respond reflects a reckless disregard for or deliberate indifference to the rights of students.

184. Defendants have an obligation to respond to known instances of discrimination, harassment, and bullying based upon religion and national origin by students against another student in order to protect the children in the School District.

185. Defendants' acts of failing to adequately respond following multiple known acts of discrimination, harassment, and bullying based upon religion and national origin against Lane Welchel by failing to conduct a reasonable investigation, by failing to take steps to stop the discrimination, harassment, and bullying, by failing to follow policies, and by failing to protect Lane Welchel

186. Defendants' failure represents an act or acts of unconstitutional conduct that was known to Defendants and represents a deliberate indifference to Lane Welchel's rights.

187. Defendants' failure was the actual and proximate cause of constitutional deprivations, discrimination, harassment, and bullying based upon religion and national origin against Lane Welchel

188. As a direct and proximate result of Defendants' deliberate indifference to known acts of constitutional deprivation, Lane Welchel suffered damages, including for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

189. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

190. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

COUNT VI

Violation of 42 U.S.C. § 1983 for Denial of Lane Welchel's Rights Under the 14th Amendment – Denial of Equal Protection on the Basis of National Origin and/or Religion

(Against Dr. Robinson, in his official and individual capacities, and Ms. Collins in her official and individual capacities)

191. Plaintiffs incorporate by reference all preceding paragraphs.

192. Dr. Robinson and Ms. Collins, acting under color of state law, deprived Lane Welchel of the rights, privileges, or immunities secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, in that Defendants,

without justification, intentionally discriminated against Lane Welchel on the basis of his national origin and/or religion.

193. Dr. Robinson and Ms. Collins had actual knowledge that harassment based on national origin and/or religion was so severe, pervasive, and objectively offensive that it created a hostile climate that deprived Lane Welchel of access to educational programs, activities, and opportunities.

194. Dr. Robinson and Ms. Collins failure to protect Lane Welchel from harassment based on national origin and/or religion was a violation of his rights and based on his religion and/or national origin.

195. Dr. Robinson's and Ms. Collins' actions were intentional, willful, wanton, and displayed a deliberate, reckless, and callous indifference to Lane Welchel's federally protected rights such that Lane Welchel is entitled to an award of punitive damages.

196. As a direct and proximate result of Dr. Robinson and Ms. Collins deliberate indifference to known acts of constitutional deprivation, Lane Welchel suffered damages, including for his denial of access to an educational environment free from discrimination, harassment, and bullying based upon religion and national origin; damages suffered in the form of past psychological and emotional pain and suffering, mental anguish and loss of enjoyment of life; past medical expenses for physical, emotional, and mental health; and ultimate suffering and death due to suicide.

197. Plaintiffs are entitled to recover attorneys' fees and expenses according to 42 U.S.C. § 1988(b).

198. Lane Welchel requests judgment in his favor against Dr. Robinson and Ms. Collins and School Board as set forth in the Prayer for Relief.

COUNT VII

Negligence

(Against School District; School Board; Dr. Robinson, in his official and individual capacities; and Ms. Collins in her official and individual capacities)

199. Plaintiffs hereby incorporate by reference the prior allegations as if fully set forth herein.

200. Defendants owed a duty to supervise and protect students, including Lane Welchel, from discrimination, harassment, and bullying based on national origin and/or religion by supervising students in the School District, preventing and responding to discrimination, harassment and bullying, ensuring that employees were adequately trained, and ensuring that policies are enforced.

201. Defendants breached their duties and were otherwise negligent.

202. The actions and inactions of Defendants including their performance and failure to perform ministerial duties, represent a pattern and practice of negligent and avoidable breaches of their duties that resulted in the discrimination, harassment, and bullying of Lane Welchel based on national origin and/or religion and his death by suicide.

203. Defendants' breach of their duties, including their performance and failure to perform ministerial duties, was the direct and proximate cause of death, and Plaintiff is entitled to damages under Missouri Revised Statutes § 537.080.

204. Lane Welchel requests judgment in his favor against the School District and School Board as set forth in the Prayer for Relief.

Prayer for Relief

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor against Defendants for compensatory damages, pre- and post-judgment interest, for attorneys' fees and expenses, for costs, for punitive damages where allowed by law, and for such other and further relief as it deems fair and equitable in the circumstances.

JURY TRIAL DEMAND

Plaintiffs request a jury trial for their claims against Defendants in this matter.

Respectfully submitted,

DRZ Law, LLC

/s/ Christopher Dove

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