

IN THE 13th CIRCUIT COURT
BOONE COUNTY
STATE OF MISSOURI

Angela Jolley,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
Columbia Public School District,)	
)	
Serve: 1818 W. Worley St.)	
Columbia, MO 65203)	
)	
Defendant.)	

PLAINTIFF’S PETITION FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff Angela Jolley, by and through counsel, in support of her First Petition for Damages and Injunctive Relief against Defendant Columbia Public School District states as follows:

INTRODUCTION

1. Plaintiff was a long-time employee of CPS in the special education area until she began making reports regarding safety, violations of policy and statute, and other reports subject to protection under Section 105.055 of the Revised Statutes of Missouri (the Missouri Public Employee Whistleblower Law) and other statutes protecting individuals with disabilities.
2. Plaintiff reported concerns regarding CPS’s use of a contractor who provided services for special education students including the contractor’s practices of seclusion and isolation of disabled students. In addition, Plaintiff reported

concerns of the contractor using more aggressive disciplinary techniques on special needs children rather than de-escalation techniques required by CPS policy and various state and federal mandates.

3. Students as young as kindergartners were subject to confinement by this contractor as discipline for behaviors including staging a sit-in (where a student sits and refuses to get up) among other behaviors. Such disciplinary use of isolation or seclusion is against CPS policy and various laws.
4. The effects of isolation and seclusion on children is appalling. Some states and school districts have outlawed these harmful practices completely. Others have severely curtailed their use such that they are rarely used and only for extremely serious situations.
5. Plaintiff's reports initially concerned practices she observed and was aware of at the Center for Responsive Education ("CORE"), a facility of CPS devoted during those years to serving students with special education needs.
6. Beginning in the 2019-2020, the School District used a private contractor known as Specialized Education Services Inc. ("SESI") and/or Specialized Education of Missouri, Inc. ("SESI-Mo") purportedly to provide services to disabled students at CORE who were in grades K-5. The contract between the School District and SESI/SESI-Mo was for nearly a million dollars.
7. Defendants SESI and SESI-Mo used a handbook that specifically outlines situations in which isolation/seclusion may be used. This handbook is at odds with School District policy.

8. The SESI/SESI-Mo handbook dictates that such isolation/seclusion practices may be used on students for disciplinary purposes.
9. School District policy states that seclusion, which it defines as where a student is prevented from leaving by locking hardware, is prohibited except in an emergency situation awaiting law enforcement.
10. Isolation, which the School District defines as where a student is confined in an enclosed space without locking hardware, is only allowed to be used in certain specified situations, and “shall never be used as a form of punishment or for the convenience of district personnel.”
11. School District policy also requires that isolation shall be in a normal-sized room or classroom with standard lighting, ventilation, and ceiling height and that students in isolation be monitored by district personnel who can see and hear the child.
12. At CORE, the School District built rough wooden boxes that were approximately four feet by six feet and eight feet high for SESI/SESI-Mo’s use on School District students. These hastily constructed plywood boxes were where children were sent for “time out” on the side of the CORE building run by SESI.
13. The construction of these boxes at CORE resulted in students being kept in these locked boxes for extended periods of time.
14. During the 2019-2020 school year, children were heard crying from inside the boxes and students were heard screaming to be let out of the boxes.

15. Even students who weren't themselves confined in the boxes at CORE were terrorized by their use on others and the knowledge that they too could be sent to the boxes. Students in the part of the building run exclusively by the School District had a shared entrance with the SESI/SESI-Mo part of the building, and those children could also hear and see children being restrained and placed in the boxes.
16. Students were also being locked in a storage closet and in the file cabinet room.
17. Students urinated while locked in these spaces.
18. These boxes/cells had no water or bathroom facilities, no appropriate ventilation, no furniture, and no lighting designed for use with the boxes.
19. Plaintiff took pictures of the wooden boxes and shared them with people she believed needed to know about the use of these boxes. Plaintiff's pictures eventually were shared with the news media, who reported on the use of wooden boxes to detain children at CPS.
20. Once CPS learned that such pictures had been shared with the media, a meeting was held to threaten school staff that administration would review security footage and find out who had shared information about the cruel conditions.
21. Plaintiff did not want any other employees to be in danger of disciplinary action, so she told CPS administration that she had taken the pictures. From that moment on, CPS began a crusade against Plaintiff to punish and

eventually run her out of CPS. CPS reprimanded Plaintiff, transferred her from job to job, and eventually made the environment so hostile that Plaintiff was constructively discharged from her role at CPS.

FACTS

22. Plaintiff began working at Defendant Columbia Public School district ("CPS") in August of 2008.

23. Plaintiff had a successful career working her way from substitute teacher for special education students through various positions in special education with CPS including roles as a certificated professional in special education.

24. During Plaintiff's early years with CPS, seclusion was rarely used, but when used, it was done for safety purposes.

25. Throughout this early time period, Plaintiff's performance evaluations all went well.

FOCUS comes in and Plaintiff notices problems.

26. Plaintiff first heard of the FOCUS program at CPS during the 2018-2019 school year.

27. Plaintiff and other educators had been advocating for more staff due to the unsafe student-to-employee ratio at Quest.

28. On or around January 8, 2019, Plaintiff and other educators were called into a meeting with Carla London and Alyse Monsees where they were informed

that FOCUS would be taking over the students in kindergarten through fifth grade.

29. Plaintiff and the other educators were told that they could not discuss FOCUS with the parents.
30. During "Back to School Night" parents seemed confused about the FOCUS program, but Plaintiff was not permitted to provide them information.
31. It was at this time that Plaintiff noticed wooden boxes being built and joined others taking pictures.
32. Plaintiff shared the pictures she took with someone she thought needed to know, and those pictures were subsequently shared them with the media.
33. On the first day of school, students arrived and were searched without a welcome greeting.
34. Plaintiff saw Superintendent Peter Stiepleman at the school and thought he looked visibly shaken by the treatment of the students.
35. In mid-August 2019, Plaintiff began witnessing behavior by FOCUS staff with CPS students that she knew was both unsafe and against CPS policy, including a student being physically dragged off the playground.
36. Around that time, Plaintiff could smell a strong odor of urine coming from the closet in the filing cabinet room.

Administration begins to retaliate against Plaintiff

37. Later in August 2019, Plaintiff and others were called into a meeting about the leaked photographs of the boxes.

38. In this meeting they were told "we will find out who did this."
39. Plaintiff understood this to be threatening.
40. On or around September 3, 2019, Plaintiff informed CPS administration that she took the pictures and about her concerns that caused her to take the pictures.
41. The next day Plaintiff had a peer-mediation with Alyse Monsees, the head of special services at CPS.
42. On or around September 5, 2019, Lara Wakefield, a parent advocate, toured the building to see the rooms.
43. The door was taken off the closet prior to this tour, placed in a bathroom during the tour, and put back on following the tour.
44. On September 8, 2019, a newspaper article was published about the boxes, featuring the photographs Plaintiff had taken.
45. On or around September 13, 2019, Plaintiff was called into a meeting with HR to discuss the pictures of the boxes she had taken.
46. Over the next few months, various CPS administration met with Plaintiff, and it was clear that CPS was trying to deter Plaintiff from doing any further reporting of conditions for special education students at CPS.
47. Plaintiff was told during one of her meetings with CPS administration that they were having the meeting so that she could understand what to do differently in the future rather than going to the media.

48. Despite all the warnings and attempted intimidation, Plaintiff still felt it was important to get someone at CPS to take action to stop the unsafe treatment of disabled children at CORE—eventually she met with Superintendent Stiepleman and went over her concerns in detail with him. Despite sharing details of the seclusion and isolation practices she had seen, the Superintendent did not respond or take action. Instead, he just asked Plaintiff what she could do differently next time she faced such a situation.
49. Later that 2019-2020 school year, Plaintiff met with state officials who were investigating conditions at CORE and gave the investigator detailed information regarding what she had seen at CORE.
50. Also, later that 2019-2020 school year, Plaintiff was invited to testify at the Missouri State Capitol about the boxes, restraints, and other practices. The legislature also invited members of CPS administration to speak regarding their knowledge and viewpoint, but they refused to testify.
51. Plaintiff testified before the legislature about many of the horrific practices taking place at CPS.
52. Following Plaintiff's testimony CPS administration's treatment of her became worse.
53. Near the end of the 2019-2020 school year, Plaintiff was informed she would not be returning to the CORE building the following year. Plaintiff was not allowed to remain at CORE and was forced to move to a new position.

54. Plaintiff was informed that she would be moving to the Rosetta Avenue Learning Center.
55. Early in her time at Rosetta Plaintiff's para reported witnessing another educator, Myron Alexander, standing over a child engaged in a sit-strike.
56. Mr. Alexander told the student, "if you don't stand up, I'll drag you across the playground." Mr. Alexander's background was in juvenile detention.
57. Plaintiff also witnessed another incident where Mr. Alexander was screaming at a child, which is against training and protocol.
58. Plaintiff reported these incidents to Priscilla Rose, the building Principal. Ms. Rose's background was also in juvenile detention.
59. For reporting these incidents, Plaintiff was issued a verbal warning for calling out co-workers.
60. Plaintiff then had a peer-mediation with Mr. Alexander ran by a neutral party.
61. The peer-mediation seemed to go well until the end when Ms. Rose hinted at Plaintiff's past reports and pictures and stated that if they were ever in the newspapers, it better be for something good. This statement was meant to intimidate Plaintiff.
62. Near the end of the 2020-2021 school year, Plaintiff was brought into a meeting with Alyse Monsees and Ms. Rose; she was told she would not be returning to Rosetta the following year.

63. The explanation at the time was that CPS believed that Plaintiff was being “triggered” by the use of holds and the “Power Down Room” at Rosetta—referring back to her reporting regarding the conditions at CORE.
64. No one had discussed the idea of Rosetta being triggering for Plaintiff before this meeting.
65. Plaintiff was given a limited choice of where to work the following year but again, she was not allowed to remain in her current position.
66. Plaintiff grieved the actions of CPS through their internal process, but she was given no relief.
67. Plaintiff’s experiences since the pictures she took in August of 2019 were increasingly hostile. She was threatened and CPS attempted to intimidate her, she was reprimanded various times, she was transferred against her will, and finally she was forced out of her position with CPS in the middle of summer 2021.
68. Following her resignation Plaintiff attempted to apply for substitute teaching positions at CPS away from those involved in the past retaliation, but CPS has prevented her from substituting.
69. Plaintiff is being barred from substituting in her home school district due to her past reports regarding unsafe conditions for disabled children at CPS.

PARTIES, JURISDICTION, AND VENUE

70. Plaintiff Angela Jolley is an adult resident of Boone County, Missouri.

- 71. Plaintiff reported a prohibited activity or suspected prohibited activity under § 105.055, RSMo to her supervisors while working for Defendant Columbia Public School District.
- 72. During all times relevant to this action, Plaintiff was an employee of an entity covered by 105.055, by and through her employment with Defendant.
- 73. Plaintiff's Petition is filed within one year of the occurrence of the violation.
- 74. Venue is proper in this Court because it is within the circuit court for the county where the Plaintiff resides and Defendant operates and where the actions at issue took place.
- 75. This Court has subject-matter jurisdiction over Plaintiff's claim pursuant to Article 5, section 14 of the Missouri Constitution.

COUNT I – Violation of § 105.055, RSMo.

- 76. Plaintiff incorporates by reference all the paragraphs of this Petition as if fully set forth herein.
- 77. Plaintiff reported mismanagement, specific threats to student safety, and violations of policy to her supervisors and others while working for Defendant Columbia Public School District.
- 78. Plaintiff's supervisor took disciplinary action against Plaintiff for her reports and/or for her plans to report by disciplining her under false pretenses, moving her from her position, and causing her constructive discharge in violation of § 105.055.

79. Plaintiff has been damaged by Defendant's actions, including, but not limited to, lost income and benefits, future wages and earnings, and suffered emotional and mental distress, reputational damage, embarrassment, humiliation, and loss of enjoyment of life all to Plaintiff's damage and detriment.

80. Pursuant to § 105.055(7), RSMo., Plaintiff has the right to bring a civil action for damages, which she is doing herein.

WHEREFORE, Plaintiff requests that the Court grant her judgment against Defendant and award compensatory damages, for her costs and attorneys' fees, for post-judgment interest, and for such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, Angela Jolley, hereby demands a trial by jury on all claims asserted herein.

Respectfully Submitted,

/s/ Julianne O'Bannon Germinder

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