

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**JANE DOE, an individual; and
DENNIS AND LINDA MASON, a
married couple,**

Plaintiffs,

v.

**DENTON INDEPENDENT SCHOOL
DISTRICT, a Texas Independent
School District; JAMIE WILSON, an
individual; and BARBARA FISCHER,
an individual; and MICHAEL
PRICER, an individual,**

Defendants.

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Case No. _____

TRIAL BY JURY DEMANDED

PLAINTIFFS’ COMPLAINT

Plaintiffs Jane Doe, an individual, and Dennis and Linda Mason, a married couple (“Plaintiffs”), complain of and against Defendants Denton Independent School District, Jamie Wilson, Barbara Fischer, and Michael Pricer and for causes of action and as grounds for relief respectfully state as follows:

PARTIES

- 1. Plaintiff Jane Doe (“Doe”) is, and at all relevant times was, a resident of Denton County, Texas. Plaintiff was a minor student at Guyer High School during a portion of the relevant times for this Petition as indicated herein.
- 2. Plaintiff Dennis Mason is, and all relevant times was, a resident of Denton County, Texas.

3. Plaintiff Linda Mason is, and all relevant times was, a resident of Denton County, Texas.

4. Defendant Denton Independent School District is, and all relevant times was, a state chartered organization whose purpose is to govern the affairs of public schools in Denton County, Texas. Defendant may be served with process by serving the Superintendent of Schools for Denton Independent School District, Dr. Jamie Wilson, 1307 North Locust, Denton, Texas 76201.

5. Defendant Jamie Wilson at all relevant times was a resident of Denton County, Texas, and the Assistant Superintendent of Schools of Denton Independent School District. Defendant is currently the Superintendent of Schools for Denton Independent School District. Defendant was a school administrator responsible for supervising Guyer High School during the events described in this Complaint. Defendant is a “state actor” for the purposes of 42 U.S.C. §1983. Defendant may be served with process at his place of business at 1307 North Locust, Denton, Texas 76201.

6. Defendant Barbara Fischer is, and at all relevant times was, a resident of Denton County, Texas, and the Principal of Guyer High School, a high school in the Denton Independent School District. Defendant was a school administrator responsible for supervising Guyer High School during the events described in this Complaint. Defendant is a “state actor” for the purposes of 42 U.S.C. §1983. Defendant may be served with process at her place of business at 7501 Teasley Lane, Denton, Texas 76210.

7. Defendant Michael Pricer at all relevant times was, a resident of Denton County, Texas, and a choir teacher at Guyer High School, a high school in the Denton Independent School District. Defendant was a school teacher responsible for supervising students at Guyer

High School during the events described in this Complaint. Defendant is a “state actor” for the purposes of 42 U.S.C. §1983. Defendant may be served with process at his residence at 4510 W Pioneer, Irving, Texas 75061.

8. At all times Defendants Jamie Wilson, Barbara Fischer, and Michael Pricer were acting as agents and servants of Denton Independent School District. Each of the acts or omissions on the part of the Defendants which constitutes the basis of Plaintiffs’ claim for damages under 42 U.S.C. §1983 (whether occasioned personally or vicariously), occurred while Defendants Jamie Wilson, Barbara Fischer, Michael Pricer, and Denton Independent School District and/or their agents or servants were acting in their respective official capacities as representative of a public entity and under color of legal title and authority. Defendants Jamie Wilson, Barbara Fischer, and Michael Pricer, acted as aider, abettor or co-conspirator in concert with state actions cited above. Recovery is sought from such Defendants in their individual capacities pursuant to 42 U.S.C.A. § 1983.

9. At all relevant times, Defendant Denton Independent School District was legally responsible for the actions and inactions of Defendants Jamie Wilson, Barbara Fischer, and Michael Pricer.

JURISDICTION AND VENUE

10. This lawsuit asserts claims under 42 U.S.C. §1983, the 14th Amendment of the United States Constitution, and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681. Accordingly, this Court has federal question jurisdiction pursuant to 28 U.S.C. §1331. Additionally, the Court has supplemental jurisdiction over any state constitutional and statutory claims pursuant to 28 U.S.C. §1367. Requests for declaratory and other similar relief is made pursuant to 28 U.S.C. §§2201, 2202.

11. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §§1391(b) and 1391(c) because all parties reside in this judicial district and a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

FACTS

12. Plaintiff re-alleges and incorporates by reference all of the allegations contained in preceding paragraphs above, as though fully set forth herein.

13. In the school year from the fall of 2010 until the spring of 2011 (the “School Year”), Plaintiff Doe was a student in her senior year at Guyer High School, a high school in Denton, Texas (“Guyer”) and part of the Denton Independent School District (“Denton ISD”). It was during this year that Doe fell victim to Michael Pricer, (“Pricer”) a new choir teacher and director at Guyer.

14. Under Denton ISD’s watch, Pricer was able to “groom” Doe and lure her into a sexual affair, forever changing Doe’s life. During this time, Denton ISD, with actual and/or constructive knowledge of Pricer’s activities, stood by and failed to protect Doe.

A. Pricer Begins His Pursuit of Doe in Fall of 2010

15. Starting in the fall of 2010, Pricer began to groom two female students in his choir class, Doe and Doe 2 (the true names of witnesses are excluded to protect the privacy of those students). Pricer started by befriending these two girls, taking them to dinner and then to high school football games. In this semester, rumors began flying around the student body that something was going on between Pricer and Doe and Doe 2.

16. During the School Year, Pricer continued to groom Doe by encouraging and seducing Doe and Doe 2 to dress him in women’s clothing on one occasion, and into meeting him in the choir room office during school hours where he had set the stage for the girls to wash

his hair and give him a shave. This highly inappropriate and suspicious behavior went unchecked and unabated by DISD officials, despite numerous warning signs.

B. Pricer Seduces Doe

17. In March 2011, Pricer began to increase his efforts to seduce Doe. On March 5, 2011, after Doe attended a community choir event, Pricer then took Doe, alone, to McKenna Park in Denton, Texas, where they sat, talked, and held hands while Pricer caressed Doe's face.

18. During spring break of 2011, the Denton choir took a school-sponsored trip to Ireland, of which Pricer and Doe were both on. During this trip, students and chaperones noticed Pricer's efforts at physical contact with Doe and his attempts to separate Doe from his other potential targets. Pricer openly showed his affection for Doe by holding her hand while strolling the city streets, allowing Doe to snuggle with him, and purchasing a necklace for Doe, which Doe wore throughout the entire trip.

19. Pricer's actions were so blatant that students and chaperones took notice. One student, Doe 3, noticed Pricer holding Doe's hand and told her friends on the trip. Another student and friend of Doe's, Doe 4, noticed the inappropriate behavior and asked Doe about it. During the course of that conversation, Doe 4 asked Doe whether Pricer had kissed her. At that time, Doe's response was, "No."

20. Incredibly however, not a single school official or chaperone reported any of this behavior to any other school authorities, nor investigated Pricer's inappropriate, and openly predatory behavior.

C. Principal Barbara Fischer and Denton ISD Refuses to Protect Doe's Innocence

21. After the return from Ireland, with full knowledge of the ineptitude of the District to investigate his actions, Pricer started to capitalize on his grooming efforts toward Doe. On

March 21, 2011, Pricer had Doe meet him at Eureka Park in Denton, Texas. It was here that Pricer first kissed Doe.


22. After this fateful night, Doe sent a text message to her friend, Doe 4, stating, “that thing that was a no is now a yes.” Even as a student and a minor, Doe 4 knew that the inappropriate relationship was not right and went to the principal, Barbara Fischer (“Fischer”), and showed Fischer the text message.

23. On March 23, 2011, Fischer met with Pricer in her office to inquire if there was an inappropriate relationship. Pricer, of course, denied having such a relationship. Instead of asking Pricer about the text message, Fischer then went on to tell Pricer to not appear to be favoring any students. Fischer didn’t want to ask about or look at text messages because it would confirm that Pricer needed to be immediately terminated and a report to the police generated. Instead, Fischer just instructed Pricer that he was not to be alone with Doe, a directive that he promptly ignored. Fischer then had a phone conversation with Mrs. Mason and informed her that there was a rumor that Doe and Mr. Pricer had kissed and she wanted Linda to know that she was going to bring Doe in and ask her about it. Fischer failed to tell Mrs. Mason that the source of rumor was Doe herself.

24. Mrs. Mason told Fischer that she was aware that Doe had a crush on Mr. Pricer and that she was talking to Doe about doing things that might be mis-interpreted. She knew that rumors could be bad for Pricer’s career but if there was anything to them, the Masons wanted to know. Ms. Fischer called Linda back later to inform her that she had looked into it and that there wasn’t anything to the rumor. Unfortunately, this would be the last that the Masons would hear from Fischer or anyone else with the school district.

25. On the same day, sometime after Fischer's meeting with Pricer, Doe received a note from Pricer. It said,

Hey, I hope you are holding up okay. I talked with Mrs. Fischer this morning (and by the time you get this you probably did too) and she is not concerned about us at least that is what she told me. We are going to have to be extremely careful for a while! People will be watching us, so know that I will be using every acting bone in my body to put on a good show. But you know how I feel! Where I want to be! Stay strong and trust no one! Unfortunately that includes TD. Wait for me! IML!

["IML" are the letters representing the "I love you" sign in sign language ].

26. Later, on March 23, 2011, Fischer called Doe into her office to question her about the text. Predictably, Doe, under Pricer's influence and according to his instructions, denied the affair. Fischer never asked Doe if she could see her text messages with Pricer, despite knowledge from Doe that the two were communicating by text message. Likewise, Fischer never asked Pricer to see his text messages with Doe, despite Pricer having admitted that the two were text messaging one another. Moreover, no school official ever sought the production of the text messages from either Doe or Pricer at any time, despite the rumors, warning signs, and admissions that communications were ongoing via text message.

27. Doe confirmed to both Fischer and Mrs. Rivers, a Denton ISD counselor, that she was having private meetings with Pricer during school hours, outside of school, at school football games, and that they continually engaged in private texting. Again, the school made no effort to ascertain the nature or volume of the private communications between teacher and student. Assuming school officials were merely deliberately indifferent, rather than criminally subversive in failing to investigate the texts, they would have found numerous inappropriate texts where Pricer even pledged his love to his 17-year-old student, among other salacious communications. Had the school intervened and investigated the text messages, Pricer could have been stopped before any permanent damage was done.

D. Pricer Continues His Unabated Pursuit of Doe; Defendants Do Nothing

28. After March 23, 2011, with the information in hand that Pricer was pursuing Doe, Fischer and other school officials failed to issue any oral or written warnings to Doe's other teachers about the dangerous relationship. Pricer easily violated Fischer's directives about being alone with Doe by sending notes to Doe's other teachers to release Doe to the Choir Room. Amazingly, Doe's other teachers would release Doe to the Choir room without a single question or thought. Doe's teachers knew there was something going on because Doe would return from Pricer's room or the counselor's office in tears. This continued for months.

29. Under the "protection" of Denton ISD's lack of oversight, Pricer began escalating his physical contact with Doe by sexually groping Doe on school grounds and in other public locations (like Eureka Park, McKenna Park, or other locations around the school). In furtherance of his grooming techniques, Pricer broke down whatever resolve Doe had left by telling Doe that he "was separating from his wife," "this was meant to be," and "we are destined to be with one another."

30. On prom night, May 14, 2011, Pricer took Doe on a "date" camping, out of reach of any authority. It was here, in the secluded campsite, that Pricer forever took Doe's virginity and her innocence. After this "date", Pricer's illicit texts and sexual advances continued unabated, including multiple instances of sexual intercourse.

31. The week after Prom, Pricer's advances towards Doe were so obvious that concerned students had complained to their own disinterested parents. Of these parents, one made a complaint to Fischer and another, unrelated parent, made a written complaint to Jamie Wilson, the then Assistant Superintendent of Schools for Denton ISD.

E. Fischer Refuses to do Anything

32. Facing these ongoing complaints, Fischer again called Pricer into her office, where Pricer again denied everything. Instead of opening an appropriate investigation and placing Pricer on leave, Fischer again simply told Fischer to “stay away” through an email that stated the following: “No texting students, do not be alone with any students, Do not allow students to come into his room on their off time; and no hugs or touching any student.” At no time did Fischer ever alert any other authorities, nor did she investigate the matter any further than just asking Pricer what was going on. Not surprisingly, Pricer did not confess and the matter was dropped again. Even with the information that she had obtained in March, Fischer decided not to interview Doe or contact Doe’s parents. Fischer did nothing to investigate the complaint, nor did she contact any authorities regarding the allegations.

F. Wilson Receives Detailed Report from Concerned Parent and Again Chooses to Do Nothing

33. Pricer’s actions had become so open and obvious on school grounds, that one student, Doe 5, felt so uncomfortable that she had to tell someone. Doe 5 was a choir student with Doe in Pricer’s class. She observed Pricer’s open and obvious affections for Doe, and being a concerned friend, told her step-father everything that she knew regarding Pricer’s pursuit of Doe and the uncomfortable situation in the class room. The step-father, T.T., took down nine pages of hand written notes of what his step-daughter told him. Seeing the immediate danger that Doe was in, and the need for Denton ISD intervention, T.T. made an immediate complaint with Defendant Jamie Wilson’s office. However, Wilson did nothing. In fact, at a later time when pressed about Pricer by Doe’s parents, Wilson went so far as to lie saying “I’ve never heard of him.”

34. The report that T.T. made to Wilson included copies of the hand-written notes that he gave to Wilson's office. This report contained the following observations and concerns from Doe 5:

- a. In October 2010, Pricer and Doe attended a Halloween party at Doe 6's house. Pricer had taken Doe and three to four other students to a tree house away from the main party house. Students that attended the party said that only Pricer and Doe were missing at first. After this party, concerned students intended to actually confront Pricer, however, Doe found out about their plans and informed Pricer. Pricer then got mad and called the students into his office. Pricer then told the students to "drop it" and to not talk with anyone else about "it" (the incident at the party).
- b. At some time, Pricer took the choir to sing at his church. A student in the choir stated that Pricer was taking Doe and Doe 2, another female student, to see a movie alone after the church service.
- c. During the fall 2010, Pricer took Doe and Doe 2 to dinner, alone, before a football game.
- d. Doe had texted to Doe 5 that "Pricer and I are asking people not to talk about it."
- e. During class, Doe would put her head on Pricer's shoulder frequently, while they were seated. This would last for at least a minute at a time, long enough to seem really uncomfortable to the class.
- f. Doe would be allowed to sit on Pricer's desk in class while Pricer was at his desk. If other students sat on Pricer's desk, Pricer would make them get off.

- g. Doe was allowed to sit on Pricer's desk or in Pricer's chair – Pricer would find another seat or stand.
- h. During TAKS week, senior students did not have to be at school until 12:00 noon. At least twice during this week, Pricer and Doe were alone in Pricer's office when Doe 5 would come in. Pricer and Doe would stop talking when other students entered the room. Doe would then leave to go pick up another student to bring them to school. [It was later discovered that, during TAKS week, Pricer left the school during school hours and went the Mason home where he and Doe got naked together].
- i. Doe confided in Pricer, including crying to Pricer at times.
- j. Pricer and Doe would engage in “full frontal” hugs, including Pricer and Doe putting their arms around each other. These hugs would last anywhere from 10 to 30 seconds and Pricer would say “I love you” during the hugs. This happened multiple times in front of other students.
- k. Pricer and Doe would sit on a piano bench with their hips touching each other.
- l. Pricer and Doe would intentionally leave other students to be alone.
- m. Pricer would sing to Doe while he played the piano. Pricer would allow Doe to rest her head on Pricer's shoulder while he was singing to her. This happened more than ten times in the presence of Doe 5.
- n. At times, Doe would say something to Pricer, Pricer would say “Aww”, and then Pricer would take Doe's head and put it on his shoulder.
- o. On Monday, May 16, 2011 (the Monday after Prom), Doe was sitting on Pricer's desk and Pricer walked up and sat in his chair. Pricer then picked up Doe's feet

and put them on his lap towards his knees and kept his hands on her feet. Doe then removed her feet from Pricer's lap, but they both stayed at the desk.

- p. Before graduation, on or around May 18, 2011, Pricer was actively looking up jobs in Austin, Texas – close to Doe after her pending graduation. Pricer had done this previously in the Spring semester.
- q. On May 18, 2011, Pricer took freshmen “A” lunch. Pricer and Doe spent the entire lunch time talking and looking on the computer for jobs. Pricer did this in front of four other students, and was so engrossed, that when other students were acting up, Pricer did nothing.
- r. Pricer “shows constant favoritism to Doe and Doe 2 all the time. They get away w/ anything.”
- s. A student, Doe 8, saw text messages between Pricer and Doe on Pricer's phone and called them “love letters.”
- t. Students actively took down “post-it” notes around the choir room that included messages from Doe to Pricer that included inside jokes between Pricer and Doe.
- u. In Ireland, Doe was always part of Pricer's group.
- v. Pricer took Doe and Doe 2 to private lunches, at the exclusion of other students, to places such as Olive Garden during school hours.

35. Even with this information in the hands of Jamie Wilson, nothing was done by Denton ISD or its officials. No investigation followed this written complaint, despite its close resemblance to other complaints and rumors, nor was T.T. ever again consulted for more information regarding his step-daughter's knowledge of Pricer's activities. Wilson received this complaint with sufficient time to act on it and investigate further before Doe graduated.

G. Doe Graduates

36. In June 2011, Doe graduated from Guyer High School.

37. This was the moment that Jamie Wilson and Barbara Fischer had been waiting for – let the problem go away quietly by graduating the student. This would avoid a messy investigation, which might damage the District and its employees’ reputations.

38. Unfortunately, however, Pricer continued to pursue and sexually prey upon Doe.

H. Defendants Choose to Cover-Up Rather Address Pricer’s Bad Acts

39. On or about September 22 and 23, 2011, Fischer again received two student complaints stating that they felt uncomfortable in Pricer’s classroom. They informed her that he was making all students turn to the side and rub each other’s backs. Students also informed Fischer that Doe was seen in the choir room at school during the third block. Further, one student informed Fischer that she saw Pricer’s car at the Mason residence all summer because she lives across the street.

40. In response, Fischer again met with Pricer regarding the information about his antics in the classroom and his involvement with Doe over the summer. Again, Pricer denied being at the Mason’s house over the summer and denied even seeing Doe since she had graduated in June 2011. Again, Fischer did nothing to investigate or report.

41. Fischer instructed Pricer to not be around Doe or allow graduates to come back into the classroom. Fischer made no reports, implemented no mechanisms to insure compliance, and made no effort to determine whether the serious accusations of impropriety were true. Fischer never once informed the Mason family that she had information that Pricer was in their house, nor did she inform them of the continuation of Pricer’s efforts post-graduation.

42. Given this culture of turning a blind eye, Pricer was allowed to continue his unlawful and inappropriate relationship with Doe.

43. On or about September 26, 2011, Fischer received a call from a concerned parent to set up a meeting about Pricer and Doe. Even still, there was no report to the Masons. On Friday, September 30, 2011 the parent that lives across the street from the Mason family was so concerned that nothing was being done, she actually came to meet with Fischer at the school.

44. Because the school was failing to do its job, this disinterested parent had done her own investigation. She explained that she saw Pricer in his car at school and took down the plate number. She said it was the same car that was parked at the Mason's all summer. Fischer asked her to call when and if she saw the car at the house again. Still, there was no report to the Mason family.

45. That same day, Fischer received a call from that parent around 3:00 pm. Pricer's car was at the house again. Fischer called Assistant Principal Gene Terronez and asked him to swing by the Mason family house. Mr. Terronez did so and, upon driving by, saw Pricer standing in the garage talking on his cell phone. Pricer saw Mr. Terronez. Amazingly, school officials made no report to the authorities, no report to the Masons, or any report to anyone! The rumors were proven true, but the School District and its officials did nothing.

I. Defendant Fischer Completes the Cover-Up By Allowing Pricer to Resign Quietly and Move on to Another School.

46. On the following Monday morning, Fischer found a resignation letter from Pricer on her desk. Fischer accepted Pricer's resignation with no further investigation or reports to anyone, thereby burying what was obviously an illegal and dangerous relationship. In an effort to avoid the messy publicity and scandal, Denton ISD allowed Pricer to quietly proceed to the

Irving Independent School District to continue his predatory practices on other unsuspecting children.

J. Doe's Life Is Changed Forever

47. Throughout the entire course of Pricer's seduction, he utilized Denton ISD owned property and equipment in furtherance of his ends – to groom and eventually have sex with Doe. During the course of Doe's last year as a student in Denton ISD, Pricer had sex with her over 20 times. Pricer would summon and meet with Doe numerous times throughout the day in either the choir room office or the theater to have his way with her. Pricer continued to make promises to Doe of a future, including Pricer divorcing his wife – all in connection with his keeping his teaching license because no Denton ISD official would do anything.

48. On July 4, 2012, Doe, confused by Pricer's lies about divorcing his wife and laden with the shame of Pricer's seduction, finally broke her silence and in tears told her parents some of the details of the illegal relationship with Pricer. Over the next three days, Doe confessed everything. Once Doe's parents found out that Pricer had groomed and seduced Doe, they immediately reported to Denton ISD. Only then did Denton ISD report Pricer's actions to local law enforcement authorities.

49. Soon thereafter, the Mason Family learned that, to their horror, Pricer had given Doe the dangerous and potentially fatal human papilloma virus, or "HPV". The strain contracted by Doe causes cervical cancer and infertility in women.

50. On or about January 16, 2013, with the help of the Mason family, Pricer was arrested on charges for improper relationship between an educator and a student.

51. Doe's innocence can never be restored. Doe is now facing years of recovery, battling a STD with potentially dire impacts on her future health, and questioning how this could

have happened to her. Defendants abandoned her when she needed Denton ISD and its officials to step up to protect her.

52. Doe is currently a 19-year-old young lady who hopes to become a social worker with autistic children. She has a strong desire to protect children. Doe continues to treat with a therapist on a weekly basis because of the emotional and mental trauma suffered at the hands of Pricer and Denton ISD, all to the cost of Doe and her parents, Dennis and Linda Mason.

DENTON ISD REFUSES TO FOLLOW POLICIES AND PROCEDURES TO PROTECT STUDENTS FROM EDUCATOR SEXUAL ABUSE

53. Over the past decade, the U.S. Department of Education, as well as state and national groups and media outlets, have published reports on educator sexual abuse prevalent in schools. Despite these official and unofficial reports, Denton ISD continues to encourage sexual predators through ineffective policies. Additionally, Denton ISD refused to enforce its own current policies and its officials ignore their legal obligations under federal and state law to protect their students.

K. Denton ISD Refuses to Enact or Follow Adequate Policies and Procedures

54. As part of the growing concern regarding sexual predator teachers, such as Pricer, the United States Department of Education has commissioned reports regarding the topic. Included in these reports is the 2004 study titled *Educator Sexual Misconduct: A Synthesis of Existing Literature*. Through this Report, the U.S. Department of Education makes the following recommendations regarding policies and procedures to be developed at the district and school levels to protect students from educator sexual misconduct:

- a. Develop strict district and school level policies that clearly indicate:
 - i. Descriptions of educationally appropriate touching.

- ii. Limitations on closed-door and after-hours activities with only one student.
 - iii. Investigatory rights without formal complaints.
 - iv. Required reporting by other teachers and employees.
 - v. Required reports of any criminal investigation or conviction during period of employment.
 - vi. Required chaperones, at least one male and one female, for off-site trips.
 - vii. Deadlines for reporting allegations with the option for waiving the time limit.
- b. Screen employees through background checks with fingerprinting. The Report indicates that while screening will not identify the majority of educators who have or will sexually abuse students, it signals seriousness on the part of the district.
- c. Assign a case coordinator and centralize information for complaints and allegations of educator sexual misconduct. Additionally, appoint a case coordinator who handles all incidents of educator sexual misconduct. The Report is quick to mention that in the most effective structure, the case coordinator is outside of district control but with regulatory authority within the district. This would be someone other than the school principal or the superintendent.
- d. Report *all* allegations to both child protection and law enforcement agencies. District policy should require that the allegation be reported to both police and child protective agencies. Furthermore, district officials should consult police immediately and build relationships for shared investigations.

- e. Develop thorough investigative practices, including practices and policies that ensure investigations are completed within 48 hours and reports are presented to school authorities, students, and parents.
- f. Do not terminate investigation if employee resigns. Complete investigation and file report internally, with criminal justice authorities, and with state licensing entities.
- g. Have proper employee education, including:
 - i. Specific education about educator sexual misconduct, making expectations explicit and public.
 - ii. Educate students regarding educator sexual misconduct
- h. Finally, educate educators, parents, and students to look for possible identification of educator sexual misconduct, including:
 - i. Any employee, including volunteers, might molest;
 - ii. Educator sexual predators are often well liked and considered excellent teachers.
 - iii. Adults who have access to students before or after school or in private situations are more likely to sexually abuse students than those who don't (coaches, music teachers, etc.).
 - iv. Behavior indicators in students might include age inappropriate sexual, behavior, late arrivals to class, changes in personality, and increased time at school with one adult.
 - v. Rumors are an important source of information on educator sexual misconduct.

- vi. Behaviors of adults who molest include close personal relationships with students, time alone with students, time before or after school with students, time in private spaces with students, flirtatious behavior with students, and off-color remarks in class.

55. However, in the face of this well-documented and widely available information, Denton ISD refused to follow, and still fails, to conform with the policies of the U.S. Department of Education, allowing sexual predators such as Pricer to continue to walk freely in Denton ISD's schools' halls.

56. Further, in 2003, the Dallas Morning News published a series of reports regarding educator sexual misconduct, and including the following expert recommendations to local school districts on comprehensive programs to prevent educator sexual misconduct:

- a. Operating an independent investigative unit consisting of former law enforcement officers;
- b. Allocate and budget specific monies to the investigative unit. Fort Worth ISD had allocated \$500,000 annually to the investigative unit;
- c. Run background checks, including fingerprints, of all job applicants; and
- d. Continue to conduct criminal checks of employees, including fingerprints, once a year.

57. As with the U.S. Department of Education Report, Denton ISD refused to follow these findings, which included the policies implemented by other major school districts in the Dallas/Fort Worth Metroplex, in forming its own policies.

L. Michael Pricer was the Quintessential Predator, and His Actions Was the Normal Pattern of Educator-Offenders

58. Not only does Denton ISD refuse to follow well-established recommendations on policies to protect students from educator sexual misconduct, Denton ISD ignored the blatant red flags that Michael Pricer and his actions are the classic scenario for educator sexual misconduct.

59. As indicated by the 2004 U.S. Department of Education Report and the 2003 Dallas Morning News Reports, an educator sexual predator is most likely to be:

- a. Teachers whose job descriptions that include extended time with individual students, such as *music teachers* and coaches;
- b. Teachers who are male. Studies cited by the 2004 U.S. Department of Education Report indicated that up to 96% of teacher-offenders are male; and
- c. Teachers who are relatively young. The average age of an offender is 28 years of age.

60. Michael Pricer fit all of these descriptions – he was a *31-32 year old male music teacher*. Rather than conduct a good faith and thorough investigation, Denton ISD ignored and covered-up Pricer's actions. If there had been an investigation, it would have revealed that Pricer's actions followed the normal pattern of sexual abuse highlighted in the very policies and procedures Denton ISD refuses to enact and follow.

61. According to the 2004 U.S. Department of Education Report, most abuse occurs within the framework of grooming and enticement, including where an abuser selects a student, gives the student attention and rewards, provides the student with support and understanding, and offers extras to the student, such as additional help or opportunities. Additionally, many abusers couch what they are doing to the student as love, including romantic.

62. Again, Denton ISD failed to even comprehend this information, all because of its lack of policies and procedures, its failure to train, and its failure to adequately investigate the information available to it.

63. As a result of Denton ISD's failure, Michael Pricer was the right person, in the right environment, to groom and sexually prey upon Doe. Denton ISD should be held accountable.

ADMINISTRATIVE REMEDIES HAVE BEEN EXHAUSTED

64. Plaintiffs initiated their claims against Denton ISD through Denton ISD's administrative process on October 19, 2012. After moving through the Denton ISD's appeal process, Denton ISD still claims that it did nothing wrong. On March 19, 2013, Plaintiffs exhausted their administrative remedies. Now comes this action.

CAUSES OF ACTION

CAUSES OF ACTION AGAINST DEFENDANT DENTON ISD

I. Violations of 20 U.S.C. §1681 ("Title IX")

65. Plaintiffs re-allege and incorporate by reference all of the allegations contained in preceding paragraphs above, as though fully set forth herein.

66. Defendant Denton ISD, by and through its agents, including the then Assistant Superintendent of Schools and current Superintendent of Schools, Jamie Wilson, and the Principal of Guyer High School, Barbara Fischer, and those acting under their authority, among others, had actual notice of the harassment that Doe was suffering at the hands of Michael Pricer. These persons with knowledge were Denton ISD administrators with the authority to take corrective action, however, were deliberately indifferent to the danger and refused to ensure that Doe was no longer sexually harassed in violation of her rights. Denton ISD's actions and inactions, upon receiving multiple complaints by multiple sources regarding Michael Pricer's

actions towards Doe, were clearly unreasonable in light of the circumstances as alleged herein and made Doe subject to and a victim of Michael Pricer's continued illegal and criminal sexual abuse, discrimination, and harassment.

67. Therefore, Plaintiffs allege that Defendant Denton ISD, by and through the acts and omissions of its agents, including Defendant Jamie Wilson and Defendant Barbara Fischer, and those acting under their authority, was deliberately and consciously indifferent to the sexual abuse, discrimination, and harassment that Doe was subjected all in violation of her rights pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. §1681.

68. In addition and in the alternative, Plaintiffs further allege that the failures of the Denton ISD to have policies, procedures, practices, and customs in place to assure that Doe was not a victim of sexual abuse, discrimination, and harassment violated her rights pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, upon which Plaintiffs seek recovery.

69. In addition and in the alternative, Plaintiffs further allege that the failures by the Denton ISD to ensure that Doe was not subjected to a hostile education environment, including an environment that a predator such as Michael Pricer could act with impunity, violated her rights to be free from sexual abuse, discrimination, and harassment pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, upon which Plaintiffs seek recovery.

II. Violations of 14th Amendment Right to Substantive Due Process

70. Plaintiffs re-allege and incorporate by reference all of the allegations contained in preceding paragraphs above, as though fully set forth herein.

71. This claim is based on a Substantive Due Process violation in contravention of the Fourteenth Amendment to the U.S. Constitution pursuant to the 42 U.S.C. §1983. Violations of

the Fourteenth Amendment by local government state actors create a cause of action under 42 U.S.C. §1983, which provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

72. Defendant Denton ISD is a “person” within the meaning of the statute. Doe is a citizen of the United States, and has recognized liberty and property interests within the purview of the Fourteenth Amendment to the Constitution, including a liberty interest in her bodily integrity.

73. Defendant Denton ISD’s lack of policies and procedures to protect Doe from a known and inherent dangerous situation, a teacher’s predatory grooming that leads to sexual abuse and harassment, violated Doe’s rights under the Fourteenth Amendment to the Constitution, including her liberty interest in her bodily integrity.

74. During the relevant time periods contemplated by this cause of action, Defendant Denton ISD did not follow or heed to the wealth of information regarding sexual predators in schools, including, but not limited to, the materials cited in this complaint. Furthermore, Defendant Denton ISD did not follow both federal and state law, federal and state regulations, or federal and state executive agency directives in regard to a teacher’s sexual abuse, discrimination, and harassment of a student.

75. Furthermore, Defendant Denton ISD had an actual policy, custom, or practice of conscious indifference to its legal responsibilities under federal and state law in regard to a teacher’s sexual abuse, discrimination, and harassment of a student, including the following:

- a. willful ignorance of complaints regarding teacher-student relations from credible sources, including concerned parents and students;
- b. willful ignorance of established principals and best-practices to protect students from sexual predators and to prevent abuse, discrimination, and harassment of a student based on sex;
- c. lack of concern for student safety from sexual predators;
- d. willfully deficient investigations into teacher-student relations;
- e. willful disregard to adequately involve parents upon learning of information regarding dangers to a student's well-being;
- f. willful disregard in adequately detecting and recognizing grooming techniques in the face of established expert knowledge circulated and made known by the United States Department of Education;
- g. willful disregard of ensuring policies are in place for adequate investigations into teacher on student sexual misconduct;
- h. willful disregard of ensuring policies set forth to monitor sexual predators after learning of information regarding that predators' actions.

76. To the extent that Defendant Denton ISD had developed any policies and procedures in regards to a teacher's sexual abuse, discrimination, and harassment of a student, such policies and procedures were wholly ineffective or Denton ISD, by and through its agents, including the then Assistant Superintendent of Schools and current Superintendent of Schools, Jamie Wilson, and the Principal of Guyer High School, Barbara Fischer, and those acting under their authority, among others, consciously ignored these policies and procedures.

77. Based upon the operative facts in this complaint, all of these acts and omissions violated or were the moving force of violations of Doe's rights under the Fourteenth Amendment to the Constitution, including her liberty interest in her bodily integrity, upon which now Plaintiffs seek recovery for such violations.

CAUSES OF ACTION AGAINST DEFENDANT JAMIE WILSON AND BARBARA FISCHER

I. Violations of 14th Amendment Right to Substantive Due Process

78. Plaintiffs re-allege and incorporate by reference all of the allegations contained in preceding paragraphs above, as though fully set forth herein.

79. This claim is based on a Substantive Due Process violation in contravention of the Fourteenth Amendment to the U.S. Constitution pursuant to the 42 U.S.C. § 1983. Violations of the Fourteenth Amendment by local government state actors create a cause of action under 42 U.S.C. §1983, which provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

80. Defendants Jamie Wilson and Barbara Fischer are “persons” within the meaning of the statute. Doe is a citizen of the United States, and has recognized liberty and property interests within the purview of the Fourteenth Amendment to the Constitution, including a liberty interest in her bodily integrity.

81. Both Defendants Jamie Wilson and Barbara Fischer, as forth above, learned of facts and/or a pattern of Michael Pricer's behavior of an inappropriate relationship with Doe, all

of which are red flags for educator sexual abuse, and led to Pricer's sexual abuse, harassment, and discrimination of Doe.

82. Defendant Jamie Wilson and Barbara Fischer, as set forth above, upon learning of this information, were deliberately indifferent towards Doe's constitutional rights by failing to take appropriate actions, if any, that was obviously necessary to prevent or stop Michael Pricer's predatory tactics.

83. Doe had a substantive due process right to be free from state-occasioned damage to her bodily integrity. She had a right to be free from sexual abuse at the hands of a state actor. The deliberate indifference of Defendants Jamie Wilson and Barbara Fischer towards those rights, as set forth above, caused a constitutional injury to Doe.

CAUSES OF ACTION AGAINST DEFENDANT MICHAEL PRICER

I. Violations Of 14th Amendment Right To Substantive Due Process

84. Plaintiffs re-allege and incorporate by reference all of the allegations contained in preceding paragraphs above, as though fully set forth herein.

85. This claim is based on a Substantive Due Process violation in contravention of the Fourteenth Amendment to the U.S. Constitution pursuant to the 42 U.S.C. § 1983. Violations of the Fourteenth Amendment by local government state actors create a cause of action under 42 U.S.C. §1983, which provides that “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

86. Defendant Michael Pricer is a “person” within the meaning of the statute. Doe is a citizen of the United States, and has recognized liberty and property interests within the purview

of the Fourteenth Amendment to the Constitution, including a liberty interest in her bodily integrity.

87. Defendant Michael Pricer, as forth above, illegally preyed upon and groomed Doe into a sexual relationship in violation of Texas Penal Code §21.12.

88. Doe had a substantive due process right to be free from state-occasioned damage to their bodily integrity. She had a right to be free from sexual abuse at the hands of a state actor. Pricer's actions, as set forth above, caused a constitutional injury to Doe.

ATTORNEYS' FEES

89. Defendants' conduct as described in this Complaint and the resulting damage and loss to Doe has necessitated Plaintiffs retaining the counsel. Plaintiffs are, therefore, entitled to recover from Defendants an additional sum to compensate Plaintiffs for a reasonable fee for such attorneys' services in the preparation and prosecution of this action, as well as a reasonable fee for any and all appeals to other courts. In this regard, Plaintiffs claim entitlement to attorneys' fees and costs under the fee-shifting provisions of 42 U.S.C. § 1988.

DEMAND FOR JURY TRIAL

90. Plaintiffs demand a jury trial on all claims and issues.

PRAYER FOR RELIEF

Plaintiffs hereby respectfully prays for judgment against Defendants for the following:

1. All money damages available for Defendant DISD's violations of Title IX, including actual and punitive damages, and attorney's fees;
2. All money damages available for Defendants' violations of 42 U.S.C. §1983;
3. Attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988;
4. Pre and Post-Judgment interest at the maximum rate allowed by law;
5. All other relief, in law or equity, to which Plaintiffs may be entitled.

Respectfully Submitted,

CHRISTMAN KELLEY & CLARKE, PC

 /s/ Andrew W. Christman

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