UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CARISSA CORNELIUS, AS NEXT OF FRIEND OF A. C., A MINOR CHILD, VANESSA GARCIA, AS NEXT OF FRIEND OF T. G., A MINOR CHILD, AND WHITNEY PRICE AS NEXT OF FRIEND OF, I. R., A MINOR CHILD.	§	
Plaintiffs,	§	**CIVIL ACTION NO. 4:25-cv-00608-O**
v.	§	
MARI EDITH MARTIN, ROXIE ANN CARTER, PAXTON KENDAL BEAN, JENNIFER CAIN DALE, AND MILLSAP INDEPENDENT SCHOOL DISTRICT.	§	
Defendant.	§	

PLAINTIFFS' FIRST AMENDED COMPLAINT WITH JURY DEMAND

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COME, Plaintiffs Carissa Cornelius as Next of A. C., a Minor Child, Victoria Garner a/k/a Victoria Garcia, as Next of Friend of T. G., a Minor Child, and Whitney Price as Next of Friend of I. R., a Minor Child complaining against Dr. Mari Edith Martin, Roxie Ann Carter, Paxton Kendal Bean, Jennifer Cain Dale, and Millsap ISD (collectively "Defendants") and file this their First Amended Complaint and Jury Demand, and for their claims and causes of action would respectfully show the Court as follows:

I. INTRODUCTORY STATEMENT

1. In a small, tight-knit community where children are expected to thrive and feel safe,

the Millsap Independent School District was rocked by a harrowing scandal that sent shockwaves through the hearts of parents and educators alike. Behind the closed doors of a seemingly ordinary school, a small group of vulnerable, non-verbal autistic children endured unimaginable abuse at the hands of adults entrusted with their care. More heartbreaking, the children who suffered at the hands of their educators were unable to speak up for themselves, so the abuse was allowed to fester for a shockingly unknown period of time.

2. As whispers of the abuse began to surface, the façade of safety crumbled, revealing a dark underbelly of betrayal that no one saw coming. The chilling accounts of cruelty emerged, painting a disturbing picture of a system that had failed to protect its most innocent, sparking outrage and demanding accountability in the wake of this appalling violation of trust.

3. Indeed, it would come to light the systemic abuse of the disgraced educators went all the way to the top of the school district. The perverse actions taken by Jennifer Cain Dale and Paxton Kendal Bean were known to and adopted by the Millsap ISD leadership including former Superintendent Mari Edith Martin and principal Roxie Ann Carter, along with the Millsap ISD board of directors. More disturbing, the nepotized relationship between the principal of the school, Roxie Ann Carter, and Paxton Kendal Bean, Roxie's daughter, created an immutable conflict of interest. As a result of her familial relationship with Bean, Carter attempted to cover up the insidious conduct and allowed the abuse to continue until it was finally brought to light after another teacher recorded instances of abuse towards students. Even after receiving notice of her daughter's conduct, and ultimate suspension from the school, Carter wrote a letter of recommendation for Bean to transfer to another school where she could harm more children. The safety and wellbeing of the innocent children were never taken into account and allowed to

proliferate by and through the people with the power to put an end to the abhorrent physical abuse and sexual demoralization of children under their care.

4. The damage done to these young children is disgraceful, and even more so given their vulnerability. Children who look to their educators for guidance, as trustworthy mentors to show them how the world works and what is acceptable behavior, and what is not; forever drilled into their young minds that their teachers' conduct is not only normal but expected. The parents and community struggle to grasp with the scandal, and for them, changes must be made. Not only for the parties to this lawsuit, but for every parent that entrusts their child's care to educators outside of their homes.

II. PARTIES

5. Plaintiff Carissa Cornelius A/N/F of A. C., a minor child, is a resident of the State of Texas.

6. Plaintiff Victoria Garner a/k/a Victoria Garcia A/N/F/ of T. G., a minor child, is a resident of the State of Texas.

7. Plaintiff Whitney Price A/N/F/ of I. R., a minor child, is a resident of the State of Texas.

8. A. C., T. G., and I. R. are all people with disabilities as defined by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 and are, therefore, entitled to the protections outlined in Section 504 of the Rehabilitation Act.

9. Defendant Jennifer Cain Dale is an individual resident in the State of Texas. She has appeared in this matter through her attorney.

10. Defendant Paxton Kendal Bean is an individual resident in the State of Texas. She has appeared in this matter through her attorney.

11. Defendant Roxie Ann Carter is an individual resident in the State of Texas. She has appeared in this matter through her attorney.

12. Defendant Dr. Mari Edith Martin is an individual resident in the State of Texas. She has appeared in this matter through her attorney.

13. Defendant Millsap Independent School District is a political subdivision of the State of Texas, and a duly incorporated school district located in Millsap, Texas. The school district is a recipient of federal funds under the IDEA, is an "educational service agency" within the meaning of the IDEA, 20 U.S.C. § 1401(4), and thus must comply with the Act and its regulations. The school district has appeared in this matter through its attorney.

III. VENUE AND JURISDICTION

14. This action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, as federal courts maintain original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States. Additionally, the amount in controversy exceeds $75,000, excluding interest and costs. 28 USC § 1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006).

15. The Court has personal jurisdiction over the Defendants and venue is appropriate in this action pursuant to 28 U.S.C. § 1391, as it is where all or a majority of the events made basis of this lawsuit occurred.

IV. FACTUAL BACKGROUND

16. At all relevant times, A. C., T. G. and I. R. were students enrolled at Millsap

Elementary, located at 101 Wilson Bend Road, Millsap, Texas 76066.

17. Millsap Elementary is a small school under the broader Millsap Independent School District umbrella. Known for its individualized attention and intimate class size, the district has appeared to excel in its mission to educate the leaders of tomorrow in a close-knit environment.

18. As the world began to recognize that education is not a one size fits all approach, so did Millsap Elementary. Like any other district, Millsap has program for students who maintain learning disabilities and provides them with special accommodations and classrooms to help them thrive, albeit under a different learning program than neurotypical students.

19. A. C., T. G., and I. R. are members of Millsap's special education program. A. C. is diagnosed with non-verbal autism, rendering him a special needs case as his educational progress is hampered by his ability to communicate and grasp concepts like a traditional student. Similarly, T. G. is diagnosed with Angelman syndrome, rendering her with the cognitive ability of an 18 month of child. And I. R. also has autism and a speech impairment in the area of pragmatic language. By all accounts, these children are beautiful, bright, and deserved the world. Instead, they were treated like animals; physically and verbally abused, and subject to sexual denigration by their teachers.

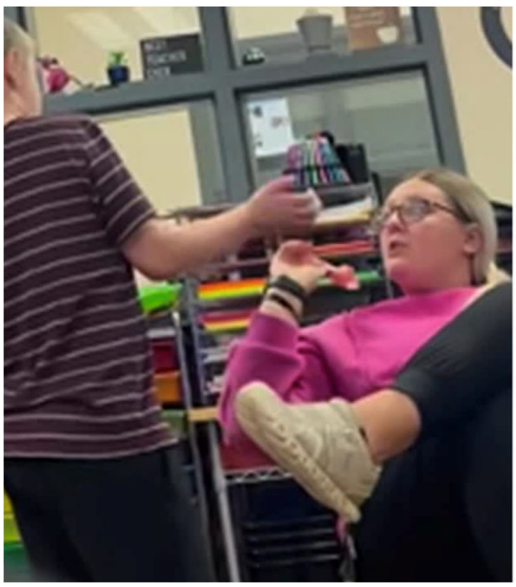
20. The parents of these children thought they were doing the best for their children by exposing them to a normal learning environment where they could engage with teachers and children their own age. Never would they expect during all this time their children would be subject to anything other than a thoughtful learning environment.

21. However, in reality, the learning "safe space" turned out to be a nightmare where their kids were assaulted and dehumanized.

22. Like any other day, on February 19, 2025, Carissa Cornelius gathered her things and got her young son ready for school. She had noticed her son began acting more hesitant and withdrawn at the mention of going to class, but she dismissed it as there were no other signs of malfeasance or indicia of any wrongdoing.

23. However, behind the innocent eyes of her child, hid a dark secret he could not explain or communicate. Given his special needs, A. C. participated in a special program at Millsap Elementary where he, and other similarly situated students, would learn in a separate classroom which catered to children with learning disabilities. This room was run by an educator, Jennifer Cain Dale, and her assistant, Paxton Kendal Bean. Other assistants and educators would observe the room for time to time.

24. On February 19, 2025, unbeknownst to Dale and Bean, an assistant was in the special needs room where she saw first-hand a series of deplorable acts committed against A. C. Instinctively, she pulled out her phone and began to record what she observed. In the video, Dale and Bean can be seen abusing A.C., yelling at him, and threatening him with physical violence.



25. Following the recorded assault, the assistant brought it to the attention of the school superintendent, Marie Edith Martin who said she would investigate the matter. The information was also conveyed to Millsap Elementary principal, Roxie Ann Carter, who was also the mother of Paxton Kendal Bean. As individuals in supervisory roles within Millsap ISD, Martin and Carter were responsible for training and supervising Bean and Dale in their roles working with special needs children.

26. Assuming the leadership would promptly address the matter and remove the teachers from a further abuse, they did the exact opposite. In fact, despite having a non-delegable duty to report the suspected child abuse to the authorities, Martin and Carter brushed the matter under the rug and instead contacted a law firm—seemingly more concerned about legal repercussions than ending documented child abuse. Carissa Cornelius, A. C.'s mother was not informed at this time and continued to send her son to school where the abuse continued.

27. On February 24, 2025, parents of children in Dale and Bean's classroom were advised of an "important staffing update" by Assistant Principal Drew Casey. Dale was allowed to resign her position at Millsap Elementary School effective February 21, 2025. The brave whistleblower who recorded Dale and Bean's abuse left Millsap ISD effective February 28, 2025. In his "staffing update," Mr. Casey made the following statement about the whistleblower ***and Dale***: "We sincerely appreciate their dedication and wish them both the best in their future endeavors."

28. Over a week later, on February 28, 2025, Martin contacted the Texas Education Agency, where she reported that only one teacher from the school, Jennifer Cain Dale, may be connected to an alleged incident of child misconduct. This was ***nine days after she learned of the***

abuse. She did not report Defendant Bean to the Texas Education Agency until March 3, 2025.

29. Seeing that nothing was being done, and there was a clear and present danger to the children in the special needs classroom, the assistant who recorded the video and reported the abuse to Defendant Martin contacted Carissa Cornelius and explained what had happened and showed her the video. Carissa was rightly appalled and took the matter straight to Martin and Carter, who's only response was "we are investigating the matter," and she refused to provide any further details. The whistleblower also spoke at a Millsap ISD school board meeting regarding her concerns, but according to multiple reports, her concerns fell on deaf ears. Further, the whistleblower has been subjected to retaliation by individuals with Millsap ISD so that Millsap ISD can continue its culture of silence and intimidation of individuals who bring serious concerns to light.

30. On March 4, 2025, Carissa took the information to the police, who immediately opened an investigation into the matter. The police department confirmed they were never contacted with this information and that Martin and Carter never contacted the Texas Department of Family and Protective Services, which they were required to do upon learning of the suspected abuse. Defendant Martin claims to have attempted to submit a report to Child Protective Services, but claimed to have "technical difficulties."

31. While the investigation was pending, Dale and Bean were temporarily suspended from their duties. Perhaps most shocking, Carter, being Bean's mother, wrote her a letter of recommendation for her so that she could obtain a job as an educator in Waxahachie. She began employment while she was actively being investigated for child abuse.

32. Throughout this entire time from the abuse being reported to Defendant Martin and

Carter and the subsequent "investigation," the Millsap ISD Board of Director's (the "Board") was kept in the loop of the on-goings, who were aware of and integral in adopting the conduct of the teachers. To be clear, the leadership of Millsap ISD and the Board never stepped in to put an end to the conduct, and by way of adoption, encouraged the behavior as it continued following their discovery.

33. Upon information and belief, the Board received communications detailing the abuse of Plaintiffs by and through Millsap ISD employees including, but not limited to, Dr. Mari Edith Martin and Roxie Ann Carter. The Board was also aware of the failure of anyone from Millsap ISD to report the abuse to law enforcement of the Texas DFPS. Upon information and belief, the Board took part in facilitating the action and/or inaction of the District following the receipt of complaints of child abuse. Further, and upon information and belief, the Board was aware of the incidents of abuse perpetrated against other disabled children in the classroom before the video documenting the assault against A. C. and failed to provide meaningful remedial measures or actions against Paxton and Bean.

34. Following the initial investigation of the teachers, the police department uncovered systemic abuse that pervaded more than just the actions taken against A. C. In fact, it was discovered two other children were subject to horrifying conditions, physical violence, and sexually charged demoralization. This included: locking children in unlit closets for extended periods of time where they screamed for help and pleaded to be released; multiple instances of assaulting children with their hands, objects, and other forceful measures; verbal assaults calling the children insidious names, poking fun at their disabilities, and making comments about their genitals; and other acts of violence and mistreatment. T. G. and I. R. were among the victims who

were under the District's care.

35. Finally, on March 20, 2025, Dale, Bean, and Martin were arrested after the video showing the assault become widely disseminated online. Dale was charged with official oppression, Bean was charged with official oppression and injury to a child, and Martin was charged with failure to report, intent to conceal. The probable cause affidavits for each of these individuals demonstrate a horrifying, longstanding, and escalating pattern of abuse of children at Millsap Elementary that began around December of 2024. Specifically, the probable cause affidavits note the following facts:

a. Defendants Bean and Dale frequently subjected A.C. and I.R. to extensive "timeouts" that ranged from 15-40 minutes in length.

b. Defendants Dale and Bean made inappropriate comments referencing A.C.'s "wiener."

c. Defendant Bean forced and rushed A.C. to prepare to go home for the day, put him in the hallway, and closed the classroom door. A.C. was confused by Bean's language and she laughed at A.C.'s confused and stressed response.

d. Defendant Bean told MV3 that "she wanted to put her hands around the child's neck and squeeze."

e. Defendant Bean logged A.C. out of the classroom at least twice, allegedly "for the fun of it."

f. I.R. was pulled by the ear by Defendant Bean.

g. Dale and Bean engaged in repeated verbal abuse against the children, including

using profanity, calling one student a "tit bag" and threating to "knock out" another.

h. On January 16, 2025, I.R. was taken by Defendant Bean to a "calm down" room. I.R. then returned with a bloody nose. Bean told others that I.R. had run into a wall or her arm. Staff at Millsap Elementary School also told I.R.'s mother, Whitney Price, the same thing. The truth, however, was that Defendant Bean had punched the child in the face. According to the nurse's records, I.R. presented to the school nurse with a "gushing nosebleed." Assistant Principal Drew Casey was also aware of I.R.'s injury.

i. On February 13, 2025, Defendants Bean and Dale repeatedly taunted A.C., which caused him to cover his ears and rock back and forth.

j. February 14, 2025, Defendant Bean mocked A.C.'s crying, which caused him to cover his ears.

k. On February 18, 2025, Defendant Dale forcefully swung her hand near A.C.'s head. A.C. flinched and Dale lost her balance.

l. On February 18, 2025, Defendant Bean struck A.C. Defendant Martin was aware of this incident and did not report it as required by law.

m. On February 18, 2025, Defendant Bean also hit A.C. with a toy spoon and scolded him for chewing on toys. She also pretended to throw a toy in A.C.'s direction, causing him to flinch. She then threw the toy and hit A.C. in the face and chest.

n. On February 18, 2025, Defendant Dale called T.G. a "bitch."

o. On February 19, 2025, a whistleblower from the classroom reporting the abuse to Millsap ISD Deputy Superintendent Normal Dale Latham Jr. and Defendant Mari "Edie" Martin (who was the superintendent at the time). She also provided multiple videos to Defendant Martin. That same day, Defendant Martin directed the whistleblower and two other paraprofessionals in the classroom "to sign a document directing them not to discuss the incident with other school staff, parents, or students." She assured them that "the matter was being properly investigated." Defendant Martin also claimed to at least one of the paraprofessionals that she had reported the incidents to the Texas Education Agency, Child Protective Services, and the Parker County Sheriff's Office. This was false. Defendant Martin actually told the Parker County Sheriff's Office that a matter was being investigated, but that she did not believe anything criminal had taken place.

p. When Defendant Martin learned of the abuse on February 19, 2025, she allowed Defendants Bean and Dale to remain in the classroom until the end of the day, although she had another administrator sit in the room and observe. And then instead of contacting law enforcement, Defendant Martin contacted the district's law firm.

q. On February 28, 2025, the whistleblower against Defendant Martin for an update on the investigation. That same day, Defendant Martin instructed the whistleblower to delete all the videos of abuse that she had recorded and to delete text messages regarding the issues in the classroom.

r. On March 5, 2025, the investigator hired by Millsap ISD's law firm recommended that any images or videos of the abuse that were stored on employees' cell phones be deleted.

s. On March 19, 2025, Defendant Martin was advised by investigator hired by the Millsap ISD attorney that the abuse to Child Protective Services and law enforcement. Defendant Martin again falsely claimed that she had done so. The investigator apparently never verified these claims by Defendant Martin.

See Exhibits A, B, C. and D.

36. Shockingly, Defendant Dale has claimed that her mocking of children and swinging her hands at them was "playful" in nature.

37. On March 21, 2025, Millsap ISD held a widely attended special meeting where they debated whether or not Martin should be suspended or remain in her official capacity for her actions in covering up the abuse and failing to report it. Ultimately, Martin was terminated. To be clear, this was ***over a month*** after the abuse had come to light and only after an overwhelming public outcry.

38. On March 24, 2025, Millsap ISD approved a third-party investigation to determine whether or not Carter and Assistant Principal Drew Casey held substantial involvement in the events made basis of this lawsuit.

39. On or about May 9, 2025, Defendant Carter was allowed to resign from Millsap ISD (rather than be terminated) despite her involvement in covering up child abuse. And even when announcing that resignation to the community, Interim Superintendent Rod Townsend somehow felt the need to highlight that Defendant Carter had spent 27 years with Millsap ISD, as

if that mattered or justified her actions. Defendant Carter was on paid administrative leave until June 30, 2025, meaning she enjoyed a paid vacation for nearly two months at the expense of Millsap ISD taxpayers while Plaintiffs were still learning the details of the abuse their children suffered under her direct leadership of Millsap Elementary School.

40. While action has finally taken place, this only happened after Millsap ISD had no choice but to act due to the public's response to the horrifying video. The issues that led to the assault of the minor plaintiffs in this case stem from the actions which were known well before Dale and Bean's reprehensible behavior became public. The failure of the Defendants to put a stop to the blatant and disparaging child abuse were allowed to continue under their leadership and only now that accountability for their failure has become public, have they made any effort to protect these innocent and vulnerable children.

41. For this failure, the Plaintiffs have suffered significant injury and emotional trauma which can never be undone. Plaintiffs bring this action not just to seek accountability for their own children and the community, but to effectuate change so that no child is subjected to the abuse and trauma A.C., T.G., and I.R. and their parents have endured.

42. The behavior engaged in by Defendants Bean and Dale violated multiple state laws including Texas Education Code Section 37.0023 which prohibits aversion techniques likely to cause physical pain, techniques that deny adequate physical comfort or supervision, and techniques that ridicule or demean the student in a manner that adversely affects or endangers their learning or mental health or that constitutes verbal abuse. Their actions also violation Texas Penal Code Section 22.01 and Texas Family Code Section 261.001.

43. On July 17, 2025, Defendant Bean was indicted by a Parker County grand jury on

charges of felony injury to a child. Defendants Martin and Dale were indicted on misdemeanor charges. In addition, the grand jury also returned misdemeanor indictments for three others Millsap ISD employees for failure to report.

V. CAUSES OF ACTION

COUNT I
Failure to Train
Violation of the Fourteenth Amendment Pursuant to 42 U.S.C. § 1983
Against Defendant Millsap Independent School District and Defendant Martin and Defendant Carter in their individual capacities

39. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs as if fully repeated herein.

40. A claim made against a school district under § 1983 represents a claim for municipal liability. *Dearman v. Stone Cnty. Sch. Dist*., 832 F.3d 577, 581 (5th Cir. 2016).

41. Municipal entities, including independent school districts, qualify as "persons" under § 1983. *Monell v. Dep't of Soc. Servs*., 436 U.S. 658, 690 (1978).

42. A municipal entity is liable for acts directly attributable to it "through some sort of official action or imprimatur." *Piotrowski v. Houston*, 237 F.3d 567, 578 *(*5th Cir. 2001).

43. "[M]unicipal liability under section 1983 requires proof of three elements: a policymaker; an official policy; and a violation of constitutional rights whose 'moving force' is the policy or custom." *Piotrowski*, 237 F.3d at 578.

44. Whether a government official has final policymaking authority is a question of state law. *Jett v. Dall. Indep. Sch. Dist*., 491 U.S. 701, 737, 109 S.Ct. 2702, 105 L.Ed.2d 598 (1989); *Pembaur v. Cincinnati*, 475 U.S. 469, 483 (1986).

45. Under Texas law, the final policymaking authority in an independent school district rests with the district's board of trustees. *Rivera v. Hous. Indep. Sch. Dist.,* 349 F.3d 244, 247 (5th Cir. 2003); TEX. EDUC. CODE ANN § 11.151(b))).

46. Accordingly, Millsap Independent School District's Board of Trustees is the policymaker for Millsap Independent School District.

47. "To prevail against a public school district, a plaintiff must show that the district's final policymaker acted with deliberate indifference in maintaining an unconstitutional policy that caused the plaintiff's injury." *Bd. of Cnty. Comm'rs Bryan Cnty. v. Brown*, 520 U.S. 397, 400, 403, 117 S.Ct. 1382, 137 L.Ed.2d 626 (1997); *Littell v. Hous. Indep. Sch. Dist*., 894 F.3d 616, 622–23 (5th Cir. 2018)).

48. According to the Supreme Court's decision in *St. Louis v. Praprotnik,* 485 U.S. 112, 108 S.Ct. 915, 99 L.Ed.2d 107 (1988): "[W]hen a subordinate's decision is subject to review by the municipality's authorized policymakers, they have retained the authority to measure the official's conduct for conformance with their policies. If the authorized policymakers approve a subordinate's decision and the basis for it, their ratification would be chargeable to the municipality because their decision is final."

49. Millsap Independent School District through its policymaker the Board of Trustees is responsible for adopting policies providing for the employment and duties of district personnel like Paxton Kendal Bean and Jennifer Cain Dale who assaulted A. C., T. G., and I. R., and Mari Edith Martin and Roxie Ann Carter who both failed to make necessary reports about the assault and take appropriate action in response to prevent further assaults of this nature.

50. There are two kinds of "official policies": (1) "a policy statement formally announced by an official policymaker," and (2) a "persistent widespread practice of...officials or

employees, which, although not authorized by officially adopted and promulgated policy, is so common and well settled as to constitute a custom that fairly represents municipal policy." *Zarnow v. City of Wichita Falls*, 614 F.3d 161, 170 (5th Cir. 2010) (quoting *Webster v. City of Hous*., 735 F.2d 838, 841 (5th Cir.1984)).

51. To show that a custom or policy exists, a plaintiff must show either "a pattern of unconstitutional conduct...on the part of municipal actors or employees," or that "a final policymaker took a single unconstitutional action." *Id*. at 169.

52. "To succeed on a *Monell* claim arising from a municipality's failure to adopt an adequate training policy, a plaintiff must demonstrate that: (1) the municipality's training policy procedures were inadequate, (2) the municipality was deliberately indifferent in adopting its training policy, and (3) the inadequate training policy directly caused the constitutional violation." *Hicks-Fields v. Harris Cnty., Tex*., 860 F.3d 803, 811 (5th Cir. 2017).

53. A successful failure to train claim also requires the plaintiff to "allege with specificity how a particular training program is defective." *Zarnow*, 614 F.3d at 170.

54. A plaintiff has two ways of proving deliberate indifference in the context of a failure to train claim.

55. First, a plaintiff can prove deliberate indifference by showing a pattern of constitutional violations that supports an inference that "the need for further training must have been plainly obvious to the ... policymakers." *Littell*, 894 F.3d at 624 (quoting *City of Canton v. Harris*, 489 U.S. 378, 390 n. 10 (1997)).

56. Second, a plaintiff can prove deliberate indifference without showing a pattern if "the risk of constitutional violations was or should have been an 'obvious' or 'highly predictable

consequence' of the alleged training inadequacy." *Id.* (quoting *Board of Cnty. Comm'rs of Bryan Cnty., Okl. v. Brown*, 520 U.S. 397, 409 (1997).

57. Under the third element of the failure-to-train claim, a litigant must show how their injuries "would have been avoided had the employee been trained under a program that was not deficient in the identified respect." *Littell*, 894 F.3d at 629.

58. In *Canton*, the Supreme Court stated "[I]t may happen that in light of the duties assigned to specific officers or employees the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy makers of the City can reasonably be said to have been deliberately indifferent to the need. In that event, the failure to provide proper training may fairly be said to represent a policy for which the city is responsible, and for which the city may be held liable if it actually causes injury." *Canton*, 489 U.S. at 390.

59. In *Doe*, the Court found that the plaintiffs demonstrated a fact issue as to whether BISD's training was inadequate, particularly given the ample testimony that educators either did not receive or do not remember receiving training on teacher-student sexual harassment and abuse. *Doe v. Beaumont Indep. Sch. Dist*., No. 1:21-CV-00190, 2024 WL 1329933, at *20 (E.D. Tex. Mar. 28, 2024).

60. Upon information and belief, discovery into evidence solely under the control of Defendant Millsap ISD, at no point did Bean or Dale receive training concerning disciplining children such as de-escalation techniques and behavior management, nor did Bean or Dale receive training like crisis prevention training or positive behavioral technics specific to working with children with special needs like A. C., T. G., and I. R.

61. Despite this, Bean and Dale were placed in a classroom specifically for children with special needs and given the responsibility of supervising them.

62. In addition, upon information and belief and discovery into evidence solely under the control of Defendant Millsap ISD, at no point did Martin or Carter, as supervisors, receive training concerning the investigation, reporting, and steps to be taken to properly address suspected child abuse. This lack of training specifically led to Martin and Carter's cover up of the abuse by Dale and Bean, as well as Bean's ability to obtain a job working with children at another school district.

63. Millsap Independent School District, through its Board of Trustees, had knowledge of Bean and Dale's complete lack of training since the Board is responsible for adopting policies providing for the employment and duties of district personnel. *See TEX. EDU. CODE* § 11.1513.

64. Had Millsap Independent School District, through its Board of Trustees properly trained Bean and Dale, they would have had the training such as de-escalation techniques, crisis prevention training, and behavior management specific to working with children with special needs like A. C., T. G., and I. R., and would have these tools to utilize prior to resorting to assaulting and verbally abusing A. C., T. G., and I. R.

65. A. C.'s, T. G.'s, and I. R.'s injuries were a highly predictable consequence of the failure to train since Millsap Independent School District provided no training to Bean and Dale concerning disciplining children and specifically working with kids with special needs and then placed them in a position of authority over those same students. *See Littell*, 894 F.3d at 624 (recognizing a failure-to-train claim when the plaintiffs alleged the school district had a policy of providing no training whatsoever regarding its employees' legal duties not to conduct unreasonable searches and finding that there was an obvious need for some form of training).

66. As Bean and Dale were placed in a classroom specifically for children with special needs Millsap Independent School District knew or should have known to a high degree of certainty that Bean and Dale and other employees would be placed in situations requiring disciplining children, behavior management, and working with children with special needs.

67. If the District opts to provide no training whatsoever, a factfinder may reasonably infer that the District acted with the requisite deliberate indifference.

68. Such failures by Millsap Independent School District, through its policymaker the Board of Trustees was a moving force in violating the rights of A. C., T. G., and I. R.

69. Millsap Independent School District also failed to train its personnel how to properly report physical abuse given the fact that the Superintendent Mari Edie Martin and the Principal Roxy Carter failed to make required reports about Bean and Dale assaulting and abusing A. C., T. G., and I. R., despite being told by an assistant who witnessed and recorded the conduct. *See Doe v. Edgewood Indep*. Sch. Dist., No. 5:16-CV-01233, 2017 WL 11825006, at *6 (W.D. Tex. May 24, 2017) (stating "Plaintiff argues defendant's policies or training procedures were inadequate because teachers and others who were meant to be mandatory reporters of child abuse failed to report it to Texas Department of Child Protection Services, the Texas Education Agency, or any law enforcement agency, in violation of the Texas Child Protection Statutes. TEX. FAM. CODE ANN. §§ 261-64…Plaintiffs have pled the training and supervision that were in place regarding sexual assault were inadequate in light of the repeated reports of assault and harassment towards plaintiff that went unaddressed.")

70. Had Millsap Independent School District, through its Board of Trustees, properly trained Martin and Carter, they would have reported Bean and Dale assaulting and abusing A. C., T. G., and I. R. after being informed of the conduct.

71. At all times relevant to this lawsuit, Bean and Dale were employees with Millsap Independent School District and acting pursuant to Millsap School District's policies, practices, customs, and training.

72. At all times relevant to this lawsuit, Martin and Carter were employees with Millsap Independent School District and acting pursuant to Millsap School District's policies, practices, customs, and training.

73. These injuries were not caused by any other means.

COUNT II
Failure to Supervise
Violation of the Fourteenth Amendment Pursuant to 42 U.S.C. § 1983
Against Defendant Millsap Independent School District and Defendants Martin and Carter in their individual capacities

74. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs as if fully repeated herein.

75. Similar to the above failure-to-train analysis, for a plaintiff to succeed against a municipality on a failure-to-supervise claim, the complaint must allege facts that plausibly establish "(1) the supervision policies of the municipality were inadequate, (2) the municipality was deliberately indifferent in adopting such polices, and (3) the inadequate-supervision policies directly caused the plaintiff's injuries." *Malone v. City of Fort Worth, Tex*., 297 F. Supp. 3d 645, 656 (N.D. Tex. 2018); *see Goodman v. Harris Cty*., 571 F.3d 388, 395 (5th Cir. 2009).

76. A plaintiff must allege facts that could support a finding that the "municipality 'supervises its employees in a manner that manifests deliberate indifference to the constitutional rights of citizens.'" *Malone*, 297 F. Supp. 3d at 656.

77. In the absence of a pattern, a plaintiff may establish deliberate indifference by showing a single incident where the potential for constitutional violations was an "obvious" or

"highly predictable consequence" of a failure to train, supervise or discipline. *Brown*, 520 U.S. at 409.

78. Here, Millsap Independent School District did not supervise how its employees, like Bean, Dale, Martin, or Carter, disciplined students, interacted with special needs students, or reported improper conduct with special needs students. Millsap Independent School District also failed to supervise how its employees like Martin and Carter investigated, reported, and follow up regarding suspected child abuse

79. Millsap Independent School District knew or should have known to a high degree of certainty that Bean and Dale and other employees would be placed in situations requiring disciplining children, behavior management, and working with children with special needs. And it knew or should have known to a high degree of certain that Martin, Carter, and other employees would be placed in situations requiring the investigation and handling of suspected child abuse.

80. Millsap Independent School District failed to supervise how its employees Martin and Carter responded upon being informed about Bean and Dale's physical assault and emotional abuse of A. C., T. G., and I. R., as they failed to make necessary reports about Bean and Dale's conduct.

81. Martin and Carter failed to properly supervise Bean and Dale's management of the classroom where the abuse occurred for months.

82. Martin and Carter did not supervise how its subordinates, like Bean and Dale, disciplined students, interacted with special needs students, or reported improper conduct with special needs students.

83. Martin and Carter knew or should have known to a high degree of certainty that Bean and Dale and other employees would be placed in situations requiring disciplining children,

behavior management, and working with children with special needs. And Martin and Carter knew or should have known to a high degree of certain that Bean, Dale, and other employees would be placed in situations requiring the handling of suspected child abuse.

84. Martin and Carter failed to supervise Bean and Dale resulting in Bean and Dale's physical assault and emotional abuse of A. C., T. G., and I. R.

85. Had Millsap Independent School District, through its Board of Trustees, properly supervised Bean and Dale, they would not have assaulted and abused A. C., T. G., and I. R.

86. Had Millsap Independent School District, through its Board of Trustees, properly supervised Martin and Carter, they would have reported Bean and Dale's assaultive and abusive conduct after being informed of the conduct – which would have prevented further assaults and abuse of A. C., T. G., and I. R.

87. Had Martin and Carter properly supervised Bean and Dale, their assaultive conduct and abuse of A.C., T.G., and I.R. would not have taken place.

88. At all times relevant to this lawsuit, Bean and Dale were employees with Millsap Independent School District and acting pursuant to Millsap School District's policies, practices, customs, and training.

89. At all times relevant to this lawsuit, Martin and Carter were employees with Millsap Independent School District and acting pursuant to Millsap School District's policies, practices, customs, and training.

90. At all times relevant to this lawsuit, Martin and Carter held supervisory roles over Bean and Dale within the Millsap Independent School District.

91. These injuries were not caused by any other means.

COUNT III
Right to Bodily Integrity
Violation of the Fourteenth Amendment Pursuant to 42 U.S.C. § 1983
Against Defendants Paxton Kendal Bean, Jennifer Cain Dale, and Millsap Independent School District

92. Plaintiffs repeat and re-alleges each and every allegation contained in the above paragraphs as if fully repeated herein.

93. The Due Process Clause of the Fourteenth Amendment provides that "[n]o State shall ... deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1.

94. The Fifth Circuit has held that school children have a liberty interest in their bodily integrity that is protected by the Due Process Clause of the Fourteenth Amendment, and that physical abuse by a school employee may violate that right. *Doe v. Taylor Independent School District*, 15 F.3d 443, 451 (5th Cir. 1994) *see also Doe v. Edgewood Indep. Sch. Dist*., 964 F.3d 351, 365 n.67 (5th Cir. 2020).

95. The Fifth Circuit has stated that "corporal punishment in public schools 'is a deprivation of substantive due process when it is arbitrary, capricious, or wholly unrelated to the legitimate state goal of maintaining an atmosphere conducive to learning.'" *Fee v. Herndon*, 900 F.2d 804, 808 (5th Cir. 1990).

96. In *Jefferson v. Ysleta Indep. Sch. Dis*t., 817 F.2d 303, 305 (5th Cir. 1987), the Fifth Circuit found that tying a second-grade student to a chair for nearly two school days violated the student's substantive due process right "to be free of state-occasioned damage to a person's bodily integrity."

97. Accordingly, the Fifth Circuit has "allowed substantive due process claims against public school officials to proceed when the act complained of was 'arbitrary, capricious, or wholly

unrelated to the legitimate state goal of maintaining an atmosphere conducive to learning.'" *J.W. v. Paley*, 81 F.4th 440, 453 (5th Cir. 2023).

98. Accordingly, A. C., T. G., and I. R.'s constitutional rights were violated as they were subject to physical and mental assault by state actors.

99. These injuries were not caused by any other means.

COUNT IV
Americans with Disabilities Act
Title II of the Americans with Disabilities Act ("ADA")
Against Defendant Millsap Independent School District

100. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132.

101. A "public entity" includes "any department, agency, special purpose district, or other instrumentality of a State or States or local government." 42 U.S.C. § 12131(1)(B).

102. The Fifth Circuit has repeatedly held that claims under Section 504 and the ADA for discrimination against disabled persons are subject to simultaneous consideration.

103. "The language in the ADA generally tracks the language set forth in [Section 504]." *Delano-Pyle v. Victoria Cnty*., 302 F.3d 567, 574 (5th Cir. 2002).

104. In fact, the ADA expressly provides that "[t]he remedies, procedures and rights" available under [Section 504] are also accessible under the ADA. 42 U.S.C. § 12133

105. Thus, "[j]urisprudence interpreting either section is applicable to both." *Delano-Pyle*., 302 F.3d at 574.

106. "To establish a prima facie case of discrimination under the ADA, a plaintiff must demonstrate: (1) that he is a qualified individual within the meaning of the ADA; (2) that he is being excluded from participation in, or being denied benefits of, services, programs, or activities for which the public entity is responsible, or is otherwise being discriminated against by the public entity; and (3) that such exclusion, denial of benefits, or discrimination is by reason of his disability." *Wilson v. City of Southlake*, 936 F.3d 326, 330 (5th Cir. 2019).

107. Discrimination need not be the sole reason for the wrongful treatment. *Bennett–Nelson v. La. Bd. of Regents*, 431 F.3d 448, 454 (5th Cir. 2005).

108. To recover monetary damages, a plaintiff must prove that the discrimination was intentional. *Delano–Pyle,* 302 F.3d at 574.

109. The ADA and § 504 provide for vicarious liability. This means that a plaintiff need not identify an official policy to sustain a claim against a public entity as it may be held vicariously liable for the acts of its employees under either statute. *Delano-Pyle*, 302 F.3d at 574–75.

110. Before filing a lawsuit under separate statutory causes of action seeking relief that is also available under IDEA, plaintiffs must exhaust the formal administrative procedures mandated by IDEA. *Fry v. Napoleon Cmty. Sch*., 580 U.S. 154, 158 (2017) (citing 20 U.S.C. § 1415(l)).

111. But when the core guarantee of IDEA, a free and appropriate public education ("FAPE"), is not the gravamen of the plaintiff's suit, exhaustion is not necessary. *Fry*, 580 U.S. at 158.

112. The Court clarified that this allows a plaintiff seeking a remedy for a violation *other* than the denial of a FAPE to sue in federal court "even when the suit arises directly

from a school's treatment of a child with a disability—and so could be said to relate in some way to her education." *Id at* 169.

113. The Fifth Circuit has explained that this analysis must be conducted by examining the complaint as a whole rather than each claim individually. *W.S. by & through Elizabeth S.G. v. Dallas Indep. Sch. Dist*., 2022 WL 6316442, at *3 (5th Cir. 2022) (citing *T.B. by & through Bell v. Nw. Indep. Sch. Dist*., 980 F.3d 1047, 1053 (5th Cir. 2020)).

114. The Supreme Court articulated a two-part inquiry to assess whether the complaint is subject to exhaustion: "First, could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was *not* a school—say, a public theatre or library? And second, could an *adult* at the school—say, an employee or visitor—have pressed essentially the same grievance?" *Fry*, 580 U.S. at 171.

115. When these questions are both answered affirmatively and there are no express allegations related to the denial of a FAPE, the complaint probably does not concern a FAPE. *Id.*

116. In *Doe v. Dallas Independent School District*, 941 F.3d 224, 229 (5th Cir. 2019), the Fifth Circuit explained that the Supreme Court's decision in *Fry* "did not limit analysis of [the exhaustion] question to answering those two illustrative hypotheticals."

117. In discussing allegations that could serve as the basis for claims under the IDEA as well as other statutes, the Court in *Fry* opined: [S]uppose a teacher, acting out of animus or frustration, strikes a student with a disability, who then sues the school under a statute other than the IDEA. Here too, the suit could be said to relate, in both genesis and effect, to the child's education. But ... the substance of the plaintiff's claim is unlikely to involve the adequacy of special education—and thus is unlikely to require exhaustion. A telling indicator of that conclusion is that a child could file the same kind of suit against an official at another public facility for inflicting

such physical abuse—as could an adult subject to similar treatment by a school official. To be sure, the particular circumstances of such a suit ... might be pertinent in assessing the reasonableness of the challenged conduct. But even if that is so, the plausibility of bringing other variants of the suit indicates that the gravamen of the plaintiff's complaint does not concern the appropriateness of an educational program." *Fry*, 580 U.S. at 172 n.9.

118. According to the Court in *Grimmett*, "when adults physically abuse a disabled student at school, exhaustion is not required because the substance of the claim does not involve the adequacy of the educational program." *Grimmett v. Coleman*, No. 3:22-CV-876-N, 2022 WL 17326056, at *2 (N.D. Tex. Nov. 28, 2022) (citing *Wilson v. City of Southlake*, 2021 WL 4936251, at *5 (N.D. Tex. 2021) (citing *Fry*, 580 U.S. at 172 n.9); see also *Heston v. Austin Indep. Sch. Dist,* 816 F. App'x 977, 982 (5th Cir. 2020) (unpub.) (claims "that are solely concerned with physical injury and abuse are not subject to the exhaustion requirements of the IDEA.").

119. "The physical abuse exception applies regardless of whether the teacher struck the disabled student out of animus or frustration." *Grimmett*, No. 3:22-CV-876-N, 2022 WL 17326056, at *2 (citing *Fry*, 580 U.S. at 172 n.9).

120. Accordingly, not every "injury a disabled student suffers in school is automatically subject to the IDEA." *Pagan–Negron v. Seguin Indep. Sch. Dist.*, 974 F.Supp.2d 1020, 1028 (W.D.Tex.2013).

121. Therefore, when a plaintiff "does not allege deprivation of certain educational services," "does [not] seek remedies that are educational in nature," or alleges a "pure discrimination claim" or "non-education injuries" that cannot "be redressed by the IDEA's administrative procedures and remedies," the IDEA exhaustion requirement does not apply. *See id.; Pendergast as Next Friends of L.P. v. Wylie Indep. Sch. Dist.*, No. 4:18-CV-00020-ALM-KPJ,

2018 WL 6710034, at *5 (E.D.Tex. Dec. 4, 2018); *Ripple v. Marble Falls Indep. Sch. Dist., 99 F. Supp. 3d 662, 687 (W.D. Tex. 2015); Watkins v. Hawley*, No. 4:12–CV–54–KS–MTP, 2013 WL 5204728, at *4 (Sodom's. Sept. 16, 2013); *Spann ex rel. Hopkins v. Word of Faith Christian Ctr. Church*, 589 F.Supp.2d 759, 769 (S.D.Miss.2008).

122. Significantly, unlike IDEA, the ADA authorizes "individuals to seek redress for violations of their substantive guarantees by bringing suits for injunctive relief or money damages." *Fry*, 580 U.S. at 160.

123. According to the Court in *Wilson*, "The Court agrees with the Wilsons that the physical abuse exception to exhaustion applies here. In *Fry*, the Supreme Court highlighted one example it said would not require exhaustion: physical abuse of a disabled student at school by an adult. *See Fry*, 137 S. Ct. at 756 n.9. In that instance, if the student sued under another statute, the substance of his claim would not involve the adequacy of an education program requiring exhaustion under the IDEA. *See id.* Such is the case here." *Wilson v. City of Southlake*, No. 4:16-CV-0057-O, 2021 WL 4936251, at *5 (N.D. Tex. July 9, 2021), *aff'd*, No. 21-10771, 2022 WL 17604575 (5th Cir. Dec. 13, 2022).

124. Applying the hypothetical questions supplied from Supreme Court guidance here here——had A. C., T. G., and I.R. been subject to the same treatment by Bean and Dale and for the same reasons while at a public library, instead of the school, they could have brought the same claims under the ADA and RA, which apply to any public entity. *See* 42 U.S.C. § 12132; 29 U.S.C. § 79; *see also Wilson*, No. 4:16-CV-0057-O, 2021 WL 4936251, at *6.

125. The Supreme Court decided *Luna Perez v. Sturgis Pub. Sch.*, 598 U.S. 142, 147–48 (2023), concluding that the IDEA does not require administrative exhaustion "where a plaintiff

brings a suit under another federal law for compensatory damages—a form of relief everyone agrees IDEA does not provide."

126. According to the Fifth Circuit, "The Supreme Court's recent decision in Perez provides unmistakable new guidance. Interpreting the word "relief" in the IDEA's exhaustion provision as synonymous with "remedies," the Court held that because the IDEA's exhaustion requirement applies only to suits that "seek [ ] relief ... also available under" the IDEA, it does not apply "when a plaintiff seeks a remedy IDEA cannot provide." As the plaintiff in *Perez* sought compensatory damages, a remedy both sides agreed was unavailable under the IDEA, his claim was not subject to the IDEA's exhaustion requirement. Similarly, here, Plaintiffs seek compensatory and punitive damages. IDEA provides neither. Thus, Plaintiffs can proceed without exhaustion." *Paley*, 81 F.4th at 448.

127. In *Penny v. New Caney Indep. Sch. Dist*., the district court denied a motion to dismiss claims under § 504 and the ADA alleging physical abuse to a special needs child at school: "The alleged facts are sufficient to state a claim under §504 and the ADA. The allegations state that H.P. qualified as a disabled person under the statutes, that she was denied her education because of the alleged abuse and its consequences, and that denial was discriminatory by reason of her disability.... The motion to dismiss these claims is denied." 2013 WL 2295428, at *22 (S.D. Tex. May 23, 2013).

128. A. C., T. G., and I. R. are qualified individuals with a disability diagnosed with non-verbal autism, Angelman syndrome, and other condition impacting the emotional and learning disabilities that affect major life functions, including learning, mental health, and socialization with others. Further, they are on a 504 plan through Millsap Independent School District. 42 U.S.C. § 12131(2).

129. A. C., T. G., and I. R. were discriminated against and denied the benefits of the services, programs, or activities of a public entity – Millsap School District when Bean and Dale physically assaulted them and emotionally abused them in response to the symptoms of their disabilities thereby denying them education, and upon information and belief, discovery into evidence solely under the control of Defendant Millsap ISD will reveal that Bean and Dale did not receive training concerning disciplining children such as de-escalation techniques and behavior management nor did Bean and Deal receive training such as non-violent crisis prevention intervention training or positive behavioral technics specific to working with children with special needs like A. C., T. G., and I. R.

130. Despite this, Bean and Dale were placed on in a classroom specifically for children with special needs and given the responsibility of supervising them.

131. Because Bean and Dale were employees of the District during this time, the District is vicariously liable for Bean and Dale's actions for purposes of the ADA and RA. *See Delano–Pyl*e, 302 F.3d at 574–75.

132. These injuries were not caused by any other means.

COUNT V

Rehabilitation Act
Against Defendant Millsap Independent School District

133. Section 504 of the Rehabilitation Act ("RA), provides that, "[n]o otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]"29 U.S.C. § 794(a).

134. To make out a claim of disability discrimination under § 504 of the Rehabilitation Act, a plaintiff must show that (1) he is a qualified individual, (2) the school district excluded him from participation in, or denied him its benefits services, programs, or activities, or otherwise discriminated against him, and (3) the exclusion, denial of benefits, or discrimination is because of his disability. *See Melton v. Dall. Area Rapid Transit*, 391 F.3d 669, 671–72 (5th Cir.2004)

135. Jurisprudence interpreting the ADA is also generally applicable to the RA because "[t]he remedies, procedures and rights available under the RA are also accessible under the ADA." *Delano–Pyle*, 302 F.3d at 574; s*ee also Kemp v. Holder*, 610 F.3d 231, 234 (5th Cir. 2010)(per curiam)) ("The RA and the ADA are judged under the same legal standards, and the same remedies are available under both Acts."); *Bennett-Nelson v. Louisiana Board of Regents*, 431 F.3d 448, 454 (5th Cir. 2005), cert. denied, 547 U.S. 1098, 126 S. Ct. 1888, 164 L.Ed.2d 568 (2006) ("The only material difference between the two provisions lies in their respective causation requirements.").

136. A plaintiff need not identify an official policy to sustain such a claim, and a public entity may be held vicariously liable for the acts of its employees under either statute. *Delano-Pyle*, 302 F.3d at 574–75.

137. A. C., T. G., and I. R. are qualified individuals with a disability diagnosed with non-verbal autism, Angelman syndrome, and other qualifying conditions contributing to emotional and learning disabilities that affect major life functions, including learning, mental health, and socialization with others. Further, they are on a 504 plan through Millsap Independent School District.

138. A. C., T. G., and I. R. were discriminated against and denied the benefits of the services, programs, or activities of a public entity – Millsap School District when Bean and Dale

physically assaulted them and emotionally abused them in response to the symptoms of their disabilities thereby denying them education, and upon information and belief, discovery into evidence solely under the control of Defendant Millsap ISD will reveal that Bean and Dale did not receive training concerning disciplining children such as de-escalation techniques and behavior management nor did Bean and Deal receive training such as non-violent crisis prevention intervention training or positive behavioral technics specific to working with children with special needs like A. C., T. G., and I. R.

139. Despite this, Bean and Dale were placed on in a classroom specifically for children with special needs and given the responsibility of supervising them.

140. The exclusion, denial of benefits, or discrimination was because of A. C., T. G., and I. R.'s disability as Millsap Independent School District knew or should have known to a high degree of certainty that Bean and Dale and other employees would be placed in situations requiring disciplining children, behavior management, and working with children with special needs.

141. Because Bean and Dale were employees of the District during this time, the District is vicariously liable for Bean and Dale's actions for purposes of the ADA and RA. *See Delano–Pyl*e, 302 F.3d at 574–75.

142. These injuries were not caused by any other means.

COUNT VI

Discrimination in Violation of 42 U.S.C.A. § 12132
Against Defendants Paxton Kendal Bean, Jennifer Cain Dale, and Millsap Independent School District

143. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs as if fully repeated herein.

144. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C.A. § 12132 (West).

145. The school district, as a local government entity, is prohibited from discriminating against individuals with disabilities under this statute.

146. Defendants Bean, Dale, and Millsap ISD discriminated against A. C., T. G., and I. R. as a result of A. C.'s, T.G.'s, and I. R.'s disabilities and in response to the symptoms of those disabilities.

147. This violates 42 U.S.C.A. § 12132 and Plaintiffs are entitled to remedies and damages as outlined in 42 U.S.C.A. § 12133.

COUNT VII
Assault
Against Defendants Paxton Kendal Bean and Jennifer Cain Dale

148. "Texas courts have recognized private causes of action for both assault and battery for well over a century." *City of Watauga v. Gordon*, 434 S.W.3d 586, 589 (Tex. 2014).

149. The elements of Assault – Offensive Physical Contact are: 1) Defendant acted intentionally or knowingly; 2) Defendant made contact with the plaintiff's person; 3) Defendant knew or reasonably should have believed that the plaintiff would regard the contact as offensive or provocative; and 4) Defendant's conduct caused injury to the plaintiff. *Watauga*, 434 S.W.3d at 589-590.

150. Bean and Dale, as described above, assaulted A. C. and I. R. against their wills and without their consent, and in doing so, intentionally or knowingly caused physical contact with A.

C. and I. R., when Bean and Dale knew or should reasonably have believed that A. C. and I. R. would regard the contact as offensive or provocative because they did not consent to the contact.

151. There was no justification for Bean's and Dale's actions.

152. These actions constitute the tort of Assault under the laws of the state of Texas.

153. These injuries were not caused by any other means.

COUNT VIII
Battery
Against Defendants Paxton Kendal Bean and Jennifer Cain Dale

154. Plaintiffs repeat and re-allege each and every allegation contained in the above paragraphs as if fully repeated herein.

155. A person commits a battery if he or she intentionally or knowingly causes physical contact with another when he or she knows or should reasonably believe the other person will regard the contact as offensive or provocative. *Watauga*, 434 S.W.3d at 589-590.

156. Bean and Dale, as described above, assaulted and/or intended to cause bodily harm A. C., T. G., and I. R. against their wills and without their consent, and in doing so, touched A. C., T. G., and I. R. in an offensive manner.

157. There was no justification for Bean's and Dale's actions.

158. These actions constitute the tort of Battery under the laws of the state of Texas.

159. These injuries were not caused by any other means.

COUNT IX
Negligent Discipline
Against Defendants Paxton Kendal Bean and Jennifer Cain Dale

160. Plaintiffs would show the Court that Defendants Bean and Dale are liable for negligent discipline in this matter. '

161. Defendants Bean's and Dale's negligent discipline was a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by A. C., T. G., and I. R.

162. Specifically, Defendants Bean and Dale knew or should have known that physically assaulting A. C., T. G., and I. R. would result in injury to A. C., T. G., and I. R.

163. Defendants Bean and Dale physically assaulted and emotionally abused A. C., T. G., and I. R. for the purposes of discipline.

164. Finally, A. C., T. G., and I. R. sustained injuries as a result of Defendants Bean's and Dale's negligence.

165. Therefore, Defendants Bean and Dale are liable for negligent discipline in this matter.

VI.
EXEMPLARY DAMAGES

166. The acts and/or omissions of the Defendants described above were of such a character as to make Defendants guilty of gross negligence.

167. The conduct of Defendants, viewed objectively from the standpoint of the Defendants at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of potential harm to others.

168. Moreover, the Defendants engaged in the conduct with conscious indifference to the rights, safety and/or welfare of others, despite the Defendant's actual, subjective awareness of the risk involved.

169. Therefore, Plaintiffs are entitled to recover exemplary damages and seek exemplary damages in an amount that may be found by the trier of fact that is sufficient to deter this type of conduct in the future.

VI. PRAYER FOR DAMAGES

170. Plaintiffs hereby demand judgment against Defendants for whatever amount they may be entitled, including punitive damages if deemed applicable, together with costs of this action.

171. As a direct and proximate result of Defendants' intentional acts and/or acts of negligence, Plaintiffs suffered damages allowed by law for personal injuries in an amount in excess of $75,000.

172. As a further result of Defendants' intentional acts and/or acts of negligence, Plaintiffs have suffered serious and permanent personal injuries. Plaintiffs suffered and seek compensation for the following:

A. Medical expenses incurred in the past.

B. Medical expenses which in all reasonable probability will be incurred in the future.

C. Physical impartment in the past.

D. Physical impairment which in all reasonable probability will be sustained in the future.

E. Physical pain and mental anguish in the past.

F. Physical pain and mental anguish which in all reasonable probability

will be sustained in the future.

VII. DEMAND FOR JURY TRIAL

173. Plaintiffs hereby demand trial by jury in the above action as to all issues.

VIII. ATTORNEY'S FEES

174. If Plaintiffs prevail in this action, by settlement or otherwise, Plaintiffs are entitled to and hereby demands attorney's fees under 42 U.S.C. §1988.

Respectfully Submitted,

/s/ Wesley H.M. Gould
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ATTORNEY FOR PLAINTIFF WHITNEY PRICE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served in accordance with Rules 21 and 21a of the TEXAS RULES OF CIVIL PROCEDURE on July 22, 2025 upon all counsel of record

/s/ Wesley H. M. Gould
Wesley H. M. Gould

2025-00684

PROBABLE CAUSE WARRANT

CAUSE NO. PCF4-25-9132

DEGREE: THIRD DEGREE FELONY

YOU ARE HEREBY COMMANDED to arrest PAXTON KENDAL BEAN if found to be in your County and bring him/her before me, Timothy J. Mendolia, a Magistrate of Parker County, Texas, at my office in Aledo, Parker County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of this State, to-wit: **INJURY TO A CHILD/ELDERLY/DISABLED WITH INTENTIONAL BODILY INJURY** of which offense defendant is accused by the written complaint, under oath of **CUMMINS, CHRISTOPHER, Parker County Sheriff's Office,** filed before me.

HEREIN FAIL NOT, but of this warrant make due return, showing how you have executed the same.

WITNESS my official signature this 19th day of MARCH, 2025.

Timothy J. Mendolia, Justice of the Peace
Precinct Four, Parker County, Texas

JUSTICE COURT PCT 4 PARKER COUNTY TEXAS

** FOR MAGISTRATES USE ONLY **

RECOMMENDED BOND AMOUNT: $30,000.00

Defendant's: DL#:
SS#:
DOB:

[On or about] Offense Date: 01/16/2025

OFFICER'S RETURN

Came to hand on the ___ day of _____, 20____, at _____ o'clock ___m. and executed on the _____ day of _____, 20____, by arresting the within named _____ in _____ County, Texas and taking his bond/placing him in jail at _____.

_____
Sheriff /Deputy/Constable
_____ County, Texas

Exhibit "A"

exhibitsticker.com

THE STATE OF TEXAS **COUNTY OF PARKER**

VS.

Paxton Kendal Bean
W/F, DOB
5-10, 230lbs. Blonde Hair, Blue Eyes
DL# SS#

CONSOLIDATED COMPLAINT AND

PROBABLE CAUSE AFFIDAVIT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn on oath deposes and says:

My name is Investigator Christopher Cummins, a peace officer of the State of Texas, and I have good reason to believe and do believe that on or before **January 16th, 2025**, in Parker County, Texas, **Paxton Kendal Bean**, the Defendant, did then and there, commit the offense of, **Injury to a Child/Elderly/ Disabled with Intentional Bodily Injury, a Third Degree Felony.**

My belief is based upon the following facts and information:

Affiant is a peace officer licensed by the State of Texas and is employed as an Investigator with the Parker County Sheriff's Office and currently assigned to the Criminal Investigations Division Crimes Against Children Unit.

On March 11th, 2025, Affiant was assigned to criminal offense report 2025-00689, containing the following information:

On March 6th, 2025, Deputy J. Galvan made contact with in the lobby of the Parker County Sheriff's Office in reference to a report of an injury to a child.

reported that on January 16th, 2025, she was contacted by staff at the Millsap Elementary School advising her son, a known victim (8 yoa), ran into a wall causing injury and bleeding from his nose.

questioned her son, who is a moderately verbal child diagnosed with Autism Spectrum Disorder, about the injury. advised Deputy Galvan the victim told her he was punched in the nose by Ms. Bean and reiterated this on her signed written statement form.

Affiant reviewed the Millsap Elementary School Nurse's Daily Log dated January 16th, 2025 completed by Macie Moody, LVN. The log showed the victim was taken to the clinic by **Paxton Kendal Bean.** LVN Moody documented the victim presented with a "gushing nosebleed." LVN Moody documented **Paxton Kendal Bean** reported the victim was in the "cool down" room due to "throwing a fit," and while detained in the room, the victim either ran into her arm or the wall, but that she was unsure.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend conducted an interview of Jamie Riggs, a paraprofessional assistant for the special needs program. During the interview Riggs told the investigators on January 16th, 2025, she was present when the victim was escorted out of the motor lab classroom by **Paxton Kendal Bean** to be taken to the "cool down" room.

On March 12th, 2025 Affiant was present for a forensic interview of the victim at the Parker County Children's Advocacy Center. During the interview the victim was asked if he ever got hurt at school. The victim responded, "Yes." The victim was then asked, "Who hurt you at school?" The victim stated, "Punched in the nose." The victim was asked, "Who did that?" The victim responded, "Ms. Bean."

On March 14th, 2025, Affiant was present with Investigator C. Townsend for an interview of Andrew Casey, Millsap Elementary School Vice Principle. During the interview Casey stated he observed **Paxton Kendal Bean** escorting the victim to the "cool down" room. Casey made no comment about observing an injury on the victim at that time, but stated he was later summoned to the nurse's office and observed the victim with the above mentioned injury.

Affiant attempted contact with **Paxton Kendal Bean** for a statement but was informed her legal counsel advised her not to give a statement.

AND I CHARGE THAT on or before **January 16th, 2025,** and before the making and filing of this complaint, in the County of Parker, State of Texas, **Paxton Kendal Bean**, the Defendant, did commit the offense of **Injury to a Child/Elderly/ Disabled with Intentional Bodily Injury, a Third Degree Felony,** wherein: **Paxton Kendal Bean** did then and there intentionally and knowingly cause bodily injury to a known victim, a child 8 years of age or younger, by detaining him in a closet and punching his nose causing injury and bleeding, **AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.**

WHEREFORE, I respectfully request that an arrest warrant issue for **Paxton Kendal Bean** according to the laws of the State of Texas.

WITNESS my signature this, the 19th day of MARCH ,2025.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this the 19th day of March, 2025.

JUSTICE COURT PCT 4 PARKER COUNTY TEXAS

Presiding Judge Timothy J. Mendolia
Justice of the Peace Precinct 4
Parker County, Texas

COPY

PROBABLE CAUSE WARRANT

CAUSE NO. PCM4-25-1870

DEGREE: CLASS A MISDEMEANOR

YOU ARE HEREBY COMMANDED to arrest **PAXTON KENDAL BEAN** if found to be in your County and bring him/her before me, Timothy J. Mendolia, a Magistrate of Parker County, Texas, at my office in Aledo, Parker County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of this State, to-wit: **OFFICIAL OPPRESSION** of which offense defendant is accused by the written complaint, under oath of **CUMMINS, CHRISTOPHER, Parker County Sheriff's Office,** filed before me.

HEREIN FAIL NOT, but of this warrant make due return, showing how you have executed the same.

WITNESS my official signature this 19th day of MARCH, 2025.

Timothy J. Mendolia, Justice of the Peace
Precinct Four, Parker County, Texas

JUSTICE COURT PCT 4 A PARKER COUNTY TEXAS

** FOR MAGISTRATES USE ONLY **

RECOMMENDED BOND AMOUNT: $2500.00

Defendant's: DL#:
SS#:
DOB:
[On or about] Offense Date: 02/18/2025

OFFICER'S RETURN

Came to hand on the ___ day of _____, 20____, at _____ o'clock ___m. and executed on the _____ day of _____, 20____, by arresting the within named _____ in _____ County, Texas and taking his bond/placing him in jail at _____.

_____
Sheriff /Deputy/Constable
_____ County, Texas

Exhibit "B"

exhibitsticker.com

THE STATE OF TEXAS COUNTY OF PARKER

VS.

Paxton Kendal Bean
W/F, DOB
5-10, 230lbs, Blonde Hair, Blue Eyes
DL# , SS#

CONSOLIDATED COMPLAINT AND

PROBABLE CAUSE AFFIDAVIT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn on oath deposes and says:

My name is Investigator Christopher Cummins, a peace officer of the State of Texas, and I have good reason to believe and do believe that on or before **February 18th , 2025,** in Parker County, Texas, **Paxton Kendal Bean,** the Defendant, did then and there, commit the offense of, **Official Oppression, a Class A Misdemeanor.**

My belief is based upon the following facts and information:

Affiant is a peace officer licensed by the State of Texas and is employed as an Investigator with the Parker County Sheriff's Office and currently assigned to the Criminal Investigations Division Crimes Against Children Unit.

On March 11th, 2025, Affiant was assigned to criminal offense report 2025-00689, containing the following information:

On March 4th, 2025, Deputy J. Galvan made contact with in the lobby of the Parker County Sheriff's Office in reference to a report of an assault. reported her son, a known victim, diagnosed with non-verbal Autism Spectrum Disorder, was assaulted and mistreated by Paxton Kendal Bean, the victim's paraprofessional teacher's aide, who was acting under the color of her office, Millsap Elementary School Special Education Program.

During the investigation, PCSO investigators identified two other children who were victims of abusive behavior committed by Paxton Bean and Jennifer Dale. Paxton Bean was a paraprofessional and Jennifer Dale was a teacher, both of which taught and supervised special needs children at Millsap Elementary School in Millsap, Parker County, Texas. These juveniles are hereinafter referenced as MV1, MV2, and MV3.

was informed by the Millsap ISD Super Intendant Mari "Edie" Martin of an incident of an assault on February 18th, 2025 wherein MV1 was struck by Paxton Bean. On March 3rd, 2025,

received a video showing the assault from Jami Riggs, another paraprofessional present in the Special Education Motor Lab classroom on February 18th, 2025. Jami recorded the incident showing Paxton Bean crudely yelling at MV1 to come to her. The victim is observed approaching Bean who begins to hit the victim with a toy spoon on his arm while scolding him for chewing on toys. Bean is observed pretending to throw the toy in the direction of the victim causing him to flinch, before throwing the toy striking the victim in his face and chest.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Shannon Kraus, a paraprofessional teacher's aide assigned to the Special Education Program. Kraus reported observing the following escalating mistreatment of the victim by Dale and Bean:

- MV1 and MV2 frequently received extensive "timeouts" ranging from 15 to 40 minutes in length.
- Inappropriate comments made by Dale and Bean to MV1 referencing his "wiener" (penis).
- On March 13th, 2025 Dale and Bean were observed taunting MV1 until he covered his ears and began to rock back and forth showing his anxiety.
- An incident on an unknown date wherein Bean told MV1 to prepare to go home for the day. It was reported her language with the victim was forceful and rushing. Once MV1 donned his backpack he was put into the hallway and the door to the classroom was closed. Bean was reported to have stayed inside the classroom laughing at the confused and stressed victim.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Jeannie Bottorff, a paraprofessional teacher's aide assigned to the Special Education Program. Bottorff reported observing the following escalating mistreatment of the victim by the Paxton Bean and Jennifer Dale, who is the teacher assigned to the Special Education Program:

- February 13th, 2025 Bottorff witnessed Bean and Dale repeatedly taunt MV1 causing him to cover his ears and rock back and forth.
- MV1 and MV2 frequently received extensive "timeouts" ranging from 15 to 40 minutes in length.
- Inappropriate comments made by Bean and Dale to MV1 referencing his "wiener" (penis).
- An incident on an unknown date wherein Bean told MV1 to prepare to go home for the day. It was reported her language with the victim was forceful and rushing. Once MV1 donned his backpack he was put into the hallway and the door to the classroom was closed. Bean was reported to have stayed inside the classroom laughing at the confused and stressed victim.
- On February 13th, 2025, Bean and Dale were observed taunting MV1 until he covered his ears and began to rock back and forth showing his anxiety.
- On February 18th, 2025 Bottorff was present when Dale forcefully swung her hand near the MV1's head.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Riggs. Riggs reported observing the following escalating mistreatment of the victim by Bean and Dale:

- Riggs reported two incidents wherein she observed MV1 being locked out of the classroom by Bean causing him to be confused and stressed. Riggs stated she believed Bean did this, "for the fun of it."
- On February 14th, 2025, Riggs witnessed Bean and Dale mock the MV1's crying, causing him to cover his ears.
- On February 18th, 2025, Riggs recorded Bean striking MV1 with a toy on his arm and then throwing it at his face.
- Riggs reported general unprofessional behavior from Dale, including witnessing her call MV3 a "bitch".
- Dale told MV3 she wanted to put her hands around the child's neck and squeeze.
- On February 14th, 2025, Riggs witnessed Dale and Bean mock MV1 crying, causing him to cover his ears.
- On February 18th, 2025, Riggs recorded Dale swing hand forcefully near the MV1's head. The motion caused the victim to flinch and Dale to lose her balance.
- Riggs reported an incident in which MV2 was taken by Bean to a "calm down" room and then returned with a bloody nose. Bean told her the child had run into a wall, but told school nurse LVN Moody that MV2 had either run into the wall or her arm. MV2 disclosed in a forensic interview that Bean had punched him.

Another child, known to law enforcement, witnessed an incident which occurred at Millsap Elementary at an unknown date. This minor child, during a forensic interview, indicated they witnessed MV2 being pulled by his ear by Paxton Bean.

On March 14, 2025, I and Investigator C. Townsend interviewed Jennifer Dale at the PCSO. Jennifer was not in custody and was interviewed in the presence of her attorney and with his consent. During the interview, Jennifer admitted she is depicted in a video swinging her hand at MV1, but stated she did this playfully. Jennifer also admitted to making crying noises at MV1 and perhaps calling him a "crybaby", but said this was playful also.

At the time the children were mistreated, Texas Education Code Section 37.0023 prohibited aversion techniques (disciplinary actions) likely to cause physical pain, techniques that deny adequate physical comfort of supervision, and techniques that ridicules or demeans a student in a manner that adversely affects or endangers their learning or mental health or that constitutes verbal abuse. Texas Penal Code 22.01 prohibits intentionally causing offensive contact or which threatens another with imminent bodily injury. Texas Family Code section 261.001 defines abuse, in part, as mental or emotional injury to a child that results in observable and material impairment to the child's growth, development, or psychological functioning.

The abusive behaviors committed by Bean and Dale were in violation of laws governing assault, prohibited aversion techniques, and constitute abuse. Bean and Dale therefore mistreated the minor victims in violation of the law while acting under color of their employment as educators.

AND I CHARGE THAT on or before **February 18th, 2025,** and before the making and filing of this complaint, in the County of Parker, State of Texas, **Paxton Kendal Bean**, the Defendant, did commit the offense of **Official Oppression, a Class A Misdemeanor,** wherein: **Paxton Dale Bean** did then and there intentionally subject three known child victims to mistreatment that the defendant knew was unlawful, namely mocking, mistreating and tormenting the victims and the

defendant was acting under color of her employment as a paraprofessional teacher assistant at Millsap Elementary School, **AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.**

WHEREFORE, I respectfully request that an arrest warrant issue for **Paxton Dale Bean** according to the laws of the State of Texas.

WITNESS my signature this, the 19th day of MARCH ,2025.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this the 19th day of MARCH, 2025.

JUSTICE COURT PCT 4 PARKER COUNTY TEXAS

Presiding Judge Timothy Mendolia
Justice of the Peace, Precinct 4
Parker County, Texas

PROBABLE CAUSE WARRANT

CAUSE NO. PCF4-25-9131
DEGREE: STATE JAIL FELONY

YOU ARE HEREBY COMMANDED to arrest **MARI EDITH MARTIN** if found to be in your County and bring him/her before me, Timothy J. Mendolia, a Magistrate of Parker County, Texas, at my office in Aledo, Parker County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of this State, to-wit: **FAILURE TO REPORT, INTENT TO CONCEAL** of which offense defendant is accused by the written complaint, under oath of **Christian Townsend, Parker County Sheriff's Office,** filed before me.

HEREIN FAIL NOT, but of this warrant make due return, showing how you have executed the same.

WITNESS my official signature this 19th day of March 20 25.

Timothy J. Mendolia, Justice of the Peace
Precinct Four, Parker County, Texas

JUSTICE COURT PCT. 4 PARKER COUNTY TEXAS

** FOR MAGISTRATES USE ONLY **

RECOMMENDED BOND AMOUNT: $20,000.00

Defendant's: DL#:
SS#:
DOB:
[On or about] Offense Date: 02/19/2025

OFFICER'S RETURN

Came to hand on the ___ day of _____, 20____, at _____ o'clock ___m. and executed on the _____ day of _____, 20____, by arresting the within named _____ in _____ County, Texas and taking his bond/placing him in jail at _____.

_____
Sheriff /Deputy/Constable
_____ County, Texas

Exhibit "C"

THE STATE OF TEXAS **COUNTY OF PARKER**
VS.
Mari Edith Martin
White Female DOB:
HT: 507" WT: 240lbs Eyes: Blue
DL:

CONSOLIDATED COMPLAINT AND PROBABLE CAUSE AFFIDAVIT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn on oath deposes and says:

My name is **Christian Townsend**, a peace officer of the State of Texas, and I have good reason to believe and do believe that on or about **February 19, 2025**, in Parker County, Texas, **Mari Edith Martin,** Defendant, did then and there, commit the offense of,

Failure to Report, Intent to Conceal, a State Jail Felony in violation of Texas Family Code Section 261.109

My belief is based upon the following facts and information:
Affiant is a peace officer licensed by the State of Texas and is employed as an Investigator with the Parker County Sheriff's Office and currently assigned to the Criminal Investigations Division.

On 03/04/2025, (W/F 38 YOA) reported an incident of child abuse to PCSO Deputy Galvan, who subsequently completed PCSO report 2025-00689. reported that her minor child, a known victim identified in this affidavit by the initials (10 YOA), had been struck by Paxton Bean (W/F) on 02/18/25 at Millsap Elementary School at 101 Wilson Bend Road, Millsap, Parker County, Texas. is an autistic child with little to no ability to speak or communicate. had only recently learned that had been struck and learned that a video of the incident existed.

During the investigation, I (the affiant, hereinafter referred to in the first-person) along with other investigators from the PCSO collected video and audio recordings and interviewed various witnesses and suspects.

Witnesses Jami Riggs (W/F 35 YOA), Shannon Kraus (W/F 55 YOA), and Jeannie Bottorff (W/F 40 YOA) were all separately interviewed. All three are or were paraprofessionals working in the "life skills" special education program at Millsap Elementary, and all had directly worked with Paxton Bean (another paraprofessional) and the teacher Jenifer Dale (W/F).

Jami Riggs, Shannon Kraus, and Jeanni Bottorff all reported directly witnessing verbal and mental abuse of students committed by Jennifer Dale and Paxton Bean. This abuse including

referring to children's genitals, using profanity toward the children, and making threats of harm toward the children. The first incident recalled was in December of 2024, but the abuse appeared to increase as time went on.

On 02/13/2025, Shannon observed Paxton Bean and Jennifer Dale taunting until he cried and rocked back and forth, covering his ears. On 02/14/25, Jami Riggs witnessed Paxton Bean and Jennifer Dale taunting , causing him to once again cover his ears and cry. Around this time, Jami Riggs began surreptitiously recording what occurred in the classroom.

I have reviewed videos recorded by Jami Riggs depicting activity in the special needs classroom at Millsap Elementary. In one video from 02/18/25, Jennifer Dale tells "I dare you to put it in your mouth again" (referring to a toy had been chewing on) before slapping at him with an open hand. Jennifer slapped forcefully enough to bring one of her feet off the ground and swing her hair to one side. Immediately afterwards, Paxton Bean calls over to her, where she yells at him for chewing on the toy. As reaches for the toy, Paxton slaps him in the hand at least once with the toy, then throws the toy at him, striking him. Other videos depict verbal abuse directed toward the students in the classroom, such as a threat to "knock out" a student and a reference to a student as a "tit bag".

Jami Riggs stated that on the morning of 02/19/25, the day after recording the incident where was slapped at and smacked, she directly reported the abuse to Deputy Superintendent of Millsap Independent School District Norman Dale Latham Jr. (W/M 60 YOA) and Superintendent Mari "Edie" Martin (W/F). Jami also turned over multiple videos to Superintendent Mari Martin, including a video depicting being swung at by Jennifer Dale and struck by Paxton Bean.

Jami Riggs, Jeanni Bottorff, and Shannon Kraus stated that the same day (02/19/25), they were told by Mari Martin to sign a document directing them not to discuss the incident with other school staff, parents, or students. All three were also assured the matter was being properly investigated. Shannon Kraus further reported that on 03/11/25, Mari Martin told her and other school staff that she had "immediately" reported the abuse to the Texas Education Agency (TEA), Child Protectives Services, and the Parker County Sheriff's Office.

Jami Riggs left employment with Millsap ISD on 02/28/25, and on that date she emailed Mari Martin and asked for the status on the ongoing misconduct investigation. Jami never received a reply to the email, but instead was contacted by Mari via phone and had a meeting with her that afternoon. During this meeting, Mari Martin instructed Jami Riggs to delete the videos of the abuse on Jami's phone and to delete text messages Jami had with Jeannie Bottorff. Mari told Jami this was because the videos and messages were educational records. Jami partially recorded this conversation, including when Mari instructed her to delete the videos.

Investigator K. Buononato and I interviewed Mari Martin and Norman Latham Jr. on 03/13/2025. Both Mari Martin and Norman Latham Jr. confirmed that Jami Riggs had reported the abuse to them on 02/19/25. Both confirmed that Jami Riggs showed them the videos of the abuse the same day, and Mari Martin confirmed the ISD had possession of the videos provided by Jami Riggs. Mari Martin provided the videos to me along with an investigative report

completed by Gema Padgett, an outside investigator commissioned by Millsap ISD's contracted law firm Bracket & Ellis PC.

Mari Martin told me that after meeting with Jami Riggs and seeing the videos on 02/19/25, "I had plenty to know that we had to get those kids safe while we figured out what was going on". Mari immediately directed another administrator to sit in the special needs classroom and observe for the remainder of the school day. Then, after school on 02/19/25, she put Paxton Bean and Jennifer Dale on administrative leave and removed them from any classroom interaction with students. Lastly, Mari Martin contacted the school's law firm and commissioned an external investigation, which began on the evening of 02/19/25.

Mari Martin said she reported the abuse to the Texas Education Agency, Child Protective Services, and the Parker County Sheriff's Office on 02/28/25. Mari said she made these reports herself and did not delegate the reporting to anyone else.

In a report Mari Martin made to the Texas Education Agency (TEA) on 02/28/25, Mari Martin wrote "I believe there is evidence Ms. Dale abused or otherwise committed an unlawful act with a student or minor". In a report to TEA on 03/03/25, Mari Martin wrote "I believe there is evidence Ms. Bean abused or otherwise committed an unlawful act with a student or minor".

Mari Martin also provided a printed screenshot of a CPS report. I noticed that this screenshot showed a CPS report in its review stage, but prior to the report being submitted. I also noticed that this report did not identify any students involved or suspects involved and in fact identified the student as "Unknown1" with an unknown gender and unknown date of birth. CPS records show no report was made that day, indicating the report was never submitted. Mari claimed in the interview that she had technical difficulties submitting the report and had never done so before, but claimed she did in fact report to CPS.

PCSO School Resource Officer J. Logan said that he was contacted by Mari Martin on 02/28/25. However, Mari Martin told him there was an incident under investigation but that she believed nothing criminal had occurred and she merely wanted to know how to make a report if she learned otherwise. Mari never reported what had occurred or identified anyone involved.

On 03/19/25, Gema Padgett spoke with Investigator K. Buononato. Gema Padgett said that she informed Mari Martin on 02/20/25 that she (Mari Martin) needed to report the abuse to CPS and law enforcement. Mari Martin told Gema Padgett she had already made the report. Gema Padgett also told Mari Martin to check Paxton Bean's cellular phone for unauthorized images or videos of children, but she never directed Mari Martin to delete text messages or images from the witnesses phone.

Gema Padgett's report was completed on 03/05/25. The report's executive summary indicates that the investigator (Gema Padgett) recommended that the images and videos be deleted from individual employees' cell phones "since the videos were already stored and in the possession of the District and investigating entities". This was not consistent with Gema Padgett's statement regarding what she advised Mari Martin. The summary does not mention advising the deletion of text messages between the witnesses. It also indicates that, at the time of the report, the

investigator believed investigating entities had the videos, but the videos were deleted prior to the report's completion date and prior to law enforcement or CPS receiving a report of this incident or launching an investigation.

Under the law, Mari Martin is a mandatory reporter of child abuse. On 02/19/25, Mari Martin heard a credible report from Jami Riggs of abuse and saw video evidence of abuse. Mari Martin found the reports to be credible enough to immediately remove the abusers from the classroom and put them on leave the same day. However, no report was made to TEA, CPS, or PCSO within 48 hours.

Mari also repeatedly claimed to others that she had made a report when in fact she had not yet done so. When Mari finally made any sort of report, it was to TEA on 02/28/25, a full nine days after she became aware of the abuse. Mari claimed to have made reports the same day to CPS and the PCSO, however she in fact only printed a screenshot of an incomplete and unsubmitted CPS report, then vaguely informed SRO J. Logan of an ongoing investigation she did not believe was criminal. As events unfolded, Mari Martin directed witnesses in the case to not further discuss the incident with other staff or the parents of the children involved. Lastly, Mari Martin directed one witness to destroy videos and text messages directly related to the incident. These actions indicate that Mari failed to report with the intent to cover up the abuse.

AND I CHARGE THAT on or about **February 19, 2025**, and before the making and filing of this complaint, in the County of Parker, State of Texas, **Mari Edith Martin**, Defendant, did commit the offense of **Failure to Report, Intent to Conceal,** wherein Edith Mari Martin did, then and there, knowingly fail to make a report of child abuse as required by Texas Family Code sections 261.101 and 261.102, with the intent to conceal the abuse, **AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.**

WHEREFORE, I respectfully request that an arrest warrant issue for **Mari Edith Martin** according to the laws of the State of Texas.

WITNESS my signature this, the 19th day of MARCH, 2025.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this the 19th day of MARCH, 2025

MAGISTRATE OR COURT CLERK
JUSTICE COURT, PRECINCT 4
PARKER COUNTY, TEXAS

JUSTICE COURT PCT. 4 PARKER COUNTY TEXAS

COPY

PROBABLE CAUSE WARRANT

CAUSE NO. PCM4-25-1869

DEGREE: CLASS A MISDEMEANOR

YOU ARE HEREBY COMMANDED to arrest **JENNIFER CAIN DALE** if found to be in your County and bring him/her before me, Timothy J. Mendolia, a Magistrate of Parker County, Texas, at my office in Aledo, Parker County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of this State, to-wit: **OFFICIAL OPPRESSION** of which offense defendant is accused by the written complaint, under oath of **CUMMINS, CHRISTOPHER, PARKER COUNTY SHERIFF'S OFFICE,** filed before me.

HEREIN FAIL NOT, but of this warrant make due return, showing how you have executed the same.

WITNESS my official signature this 19th day of March, 2025.

Timothy J. Mendolia, Justice of the Peace
Precinct Four, Parker County, Texas

JUSTICE COURT PCT. 4 PARKER COUNTY TEXAS

** FOR MAGISTRATES USE ONLY **

RECOMMENDED BOND AMOUNT: $2500.00

Defendant's: DL#:
SS#:
DOB:
[On or about] Offense Date: 02/18/2025

OFFICER'S RETURN

Came to hand on the ___ day of _____, 20____, at _____ o'clock ___m. and executed on the _____ day of _____, 20____, by arresting the within named _____ in _____ County, Texas and taking his bond/placing him in jail at _____.

_____
Sheriff /Deputy/Constable
_____ County, Texas

Exhibit "D"

exhibitsticker.com

THE STATE OF TEXAS **COUNTY OF PARKER**

VS.

Jennifer Cain Dale
W/F, DOB
5-11, 155lbs, Blonde Hair, Hazel Eyes
DL# , SS#

CONSOLIDATED COMPLAINT AND

PROBABLE CAUSE AFFIDAVIT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn on oath deposes and says:

My name is Investigator Christopher Cummins, a peace officer of the State of Texas, and I have good reason to believe and do believe that on or before **February 18th , 2025,** in Parker County, Texas, **Jennifer Cain Dale**, the Defendant, did then and there, commit the offense of, **Official Oppression, a Class A Misdemeanor.**

My belief is based upon the following facts and information:

Affiant is a peace officer licensed by the State of Texas and is employed as an Investigator with the Parker County Sheriff's Office and currently assigned to the Criminal Investigations Division Crimes Against Children Unit.

On March 11th, 2025, Affiant was assigned to criminal offense report 2025-00689, containing the following information:

On March 4th, 2025, Deputy J. Galvan made contact with in the lobby of the Parker County Sheriff's Office in reference to a report of an assault. reported her son, a known victim, diagnosed with non-verbal Autism Spectrum Disorder, was assaulted and mistreated by Paxton Kendal Bean, the victim's paraprofessional teacher's aide, who was acting under the color of her office, Millsap Elementary School Special Education Program.

During the investigation, PCSO investigators identified two other children who were victims of abusive behavior committed by Paxton Bean and Jennifer Dale. Paxton Bean was a paraprofessional and Jennifer Dale was a teacher, both of which taught and supervised special needs children at Millsap Elementary School in Millsap, Parker County, Texas. These juveniles are hereinafter referenced as MV1, MV2, and MV3.

was informed by the Millsap ISD Super Intendant Mari "Edie" Martin of an incident of an assault on February 18th, 2025 wherein MV1 was struck by Paxton Bean. On March 3rd, 2025,

received a video showing the assault from Jami Riggs, another paraprofessional present in the Special Education Motor Lab classroom on February 18th, 2025. Jami recorded the incident showing Paxton Bean crudely yelling at MV1 to come to her. The victim is observed approaching Bean who begins to hit the victim with a toy spoon on his arm while scolding him for chewing on toys. Bean is observed pretending to throw the toy in the direction of the victim causing him to flinch, before throwing the toy striking the victim in his face and chest.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Shannon Kraus, a paraprofessional teacher's aide assigned to the Special Education Program. Kraus reported observing the following escalating mistreatment of the victim by Dale and Bean:

- MV1 and MV2 frequently received extensive "timeouts" ranging from 15 to 40 minutes in length.
- Inappropriate comments made by Dale and Bean to MV1 referencing his "wiener" (penis).
- On March 13th, 2025 Dale and Bean were observed taunting MV1 until he covered his ears and began to rock back and forth showing his anxiety.
- An incident on an unknown date wherein Bean told MV1 to prepare to go home for the day. It was reported her language with the victim was forceful and rushing. Once MV1 donned his backpack he was put into the hallway and the door to the classroom was closed. Bean was reported to have stayed inside the classroom laughing at the confused and stressed victim.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Jeannie Bottorff, a paraprofessional teacher's aide assigned to the Special Education Program. Bottorff reported observing the following escalating mistreatment of the victim by the Paxton Bean and Jennifer Dale, who is the teacher assigned to the Special Education Program:

- February 13th, 2025 Bottorff witnessed Bean and Dale repeatedly taunt MV1 causing him to cover his ears and rock back and forth.
- MV1 and MV2 frequently received extensive "timeouts" ranging from 15 to 40 minutes in length.
- Inappropriate comments made by Bean and Dale to MV1 referencing his "wiener" (penis).
- An incident on an unknown date wherein Bean told MV1 to prepare to go home for the day. It was reported her language with the victim was forceful and rushing. Once MV1 donned his backpack he was put into the hallway and the door to the classroom was closed. Bean was reported to have stayed inside the classroom laughing at the confused and stressed victim.
- On February 13th, 2025, Bean and Dale were observed taunting MV1 until he covered his ears and began to rock back and forth showing his anxiety.
- On February 18th, 2025 Bottorff was present when Dale forcefully swung her hand near the MV1's head.

On March 11th, 2025, Investigator K. Buononato and Investigator C. Townsend interviewed Riggs. Riggs reported observing the following escalating mistreatment of the victim by Bean and Dale:

- Riggs reported two incidents wherein she observed MV1 being locked out of the classroom by Bean causing him to be confused and stressed. Riggs stated she believed Bean did this, "for the fun of it."
- On February 14th, 2025, Riggs witnessed Bean and Dale mock the MV1's crying, causing him to cover his ears.
- On February 18th, 2025, Riggs recorded Bean striking MV1 with a toy on his arm and then throwing it at his face.
- Riggs reported general unprofessional behavior from Dale, including witnessing her call MV3 a "bitch".
- Dale told MV3 she wanted to put her hands around the child's neck and squeeze.
- On February 14th, 2025, Riggs witnessed Dale and Bean mock MV1 crying, causing him to cover his ears.
- On February 18th, 2025, Riggs recorded Dale swing hand forcefully near the MV1's head. The motion caused the victim to flinch and Dale to lose her balance.
- Riggs reported an incident in which MV2 was taken by Bean to a "calm down" room and then returned with a bloody nose. Bean told her the child had run into a wall, but told school nurse LVN Moody that MV2 had either run into the wall or her arm. MV2 disclosed in a forensic interview that Bean had punched him.

Another child, known to law enforcement, witnessed an incident which occurred at Millsap Elementary at an unknown date. This minor child, during a forensic interview, indicated they witnessed MV2 being pulled by his ear by Paxton Bean.

On March 14, 2025, I and Investigator C. Townsend interviewed Jennifer Dale at the PCSO. Jennifer was not in custody and was interviewed in the presence of her attorney and with his consent. During the interview, Jennifer admitted she is depicted in a video swinging her hand at MV1, but stated she did this playfully. Jennifer also admitted to making crying noises at MV1 and perhaps calling him a "crybaby", but said this was playful also.

At the time the children were mistreated, Texas Education Code Section 37.0023 prohibited aversion techniques (disciplinary actions) likely to cause physical pain, techniques that deny adequate physical comfort of supervision, and techniques that ridicules or demeans a student in a manner that adversely affects or endangers their learning or mental health or that constitutes verbal abuse. Texas Penal Code 22.01 prohibits intentionally causing offensive contact or which threatens another with imminent bodily injury. Texas Family Code section 261.001 defines abuse, in part, as mental or emotional injury to a child that results in observable and material impairment to the child's growth, development, or psychological functioning.

The abusive behaviors committed by Bean and Dale were in violation of laws governing assault, prohibited aversion techniques, and constitute abuse. Bean and Dale therefore mistreated the minor victims in violation of the law while acting under color of their employment as educators.

AND I CHARGE THAT on or before **February 18th, 2025**, and before the making and filing of this complaint, in the County of Parker, State of Texas, **Jennifer Cain Dale**, the Defendant, did commit the offense of **Official Oppression, a Class A Misdemeanor,** wherein: **Jennifer Cain Dale** did then and there intentionally subject three known child victims to mistreatment that the

defendant knew was unlawful, namely mocking, mistreating and tormenting the victims and the defendant was acting under color of her employment as a paraprofessional teacher assistant at Millsap Elementary School. **AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.**

WHEREFORE, I respectfully request that an arrest warrant issue for **Jennifer Cain Dale** according to the laws of the State of Texas.

WITNESS my signature this, the 19th day of MARCH ,2025.

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this the 19th day of MARCH, 2025.

Presiding Judge Timothy Mondolia
Justice of the Peace, Precinct 4
Parker County, Texas