



and cultivated a predatory relationship with J.E. over the course of approximately eight months, from the fall of 2023 through July 2024.

Plaintiffs bring this lawsuit seeking relief for violations of the Minor Plaintiff's (i) Constitutional substantive due process and equal protection rights under the Fourteenth Amendment to the United States Constitution, for which relief is available pursuant to 42 U.S.C. § 1983, and (ii) statutory rights provided by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) ("Title IX"). Plaintiffs seek to recover a money judgment against Defendants for the damages inflicted upon J.E. in violation of his federal civil rights.

Defendant Childers, a band teacher at LBJ Early College High School, groomed and sexually abused J.E.—a vulnerable sixteen and seventeen-year-old student—over an eight-month period. Childers positioned himself as a “father figure” to J.E., who lacked a consistent male role model in his life. Childers exploited this vulnerability through classic grooming techniques: building trust, providing gifts and money (approximately \$1,500 through Cash App), offering rides and haircuts, exchanging increasingly sexual text messages, soliciting and receiving nude photographs, and ultimately sexually assaulting J.E. on multiple occasions both on and off school property.

Throughout this period, the signs of Childers' predatory conduct were visible to those who should have been watching. In the spring of 2024, Don Hayes—the band director at LBJ Early College High School and Childers' direct supervisor—became suspicious enough to directly ask J.E. whether Childers was “doing anything inappropriate”

with him. J.E., who was under Childers' psychological manipulation and control, denied the abuse. Hayes took no further action. He did not report his suspicions to the administration, did not notify J.E.'s parents, and did not request an investigation. This failure to act was consistent with AISD's inadequate training and policies for detecting, reporting, and preventing educator sexual abuse.

Then came the report that should have stopped everything. On **July 21, 2024**, J.E.'s mother, Naomi Edwards, reported to the **Austin ISD Police Department** that Defendant Childers was sexually abusing her son. This was not a vague rumor or secondhand gossip—this was a direct report from the victim's mother to law enforcement personnel employed by the District, personnel with clear authority to investigate crimes and institute corrective measures.

AISD's response was *nothing*. Despite receiving a direct report of ongoing sexual abuse of a minor student by a teacher, AISD took no action whatsoever. AISD did not suspend Childers. AISD did not remove Childers from the classroom. AISD did not issue a no-contact order. AISD did not separate Childers from J.E. in any way. AISD did not notify J.E.'s parents that protective measures were being implemented—because no protective measures were implemented.

Five days later, on **July 26, 2024**, Childers sexually assaulted J.E. again—this time taking him to an adult pornographic store. This assault was *entirely preventable*. Had AISD taken even the most basic protective measures after receiving the July 21 report, this assault would not have occurred. AISD's complete failure to act in

response to a direct report of sexual abuse was clearly unreasonable in light of the known circumstances and constitutes deliberate indifference.

On July 31, 2024, Defendant Childers was interviewed by AISD Police and confessed to sexually abusing J.E. Childers has since been indicted on nine felony counts, including three counts of Improper Relationship Between Educator and Student, two counts of Indecency with a Child, one count of Child Grooming, two counts of Online Solicitation of a Minor, and one count of Possession of Child Pornography. On August 11, 2025, AISD's own Title IX investigation determined that Childers was RESPONSIBLE for sexually harassing and abusing J.E.

Moreover, J.E. was not Childers' only victim. Evidence from the criminal investigation reveals that Childers was simultaneously soliciting at least one other minor student ("Student Victim 2") through dating and hookup applications during the same time period he was abusing J.E. Childers sent sexually explicit images and videos—including a video of himself masturbating in his office at LBJ Early College High School—to Student Victim 2. In his communications with Student Victim 2, Childers disturbingly referred to J.E. as his "son," revealing the predatory "father figure" role Childers cultivated to groom and control his victims. This pattern of predatory conduct targeting multiple minors underscores AISD's failure to detect, investigate, and stop Childers' abuse of students.

### **Request for Use of Pseudonyms**

Because this lawsuit involves sexual abuse of a minor and evidence of sexual abuse of other minors, Plaintiffs request the Court permit them to proceed using initials

Plaintiff's Original Complaint

("J.E.") to protect the privacy, dignity, and well-being of the Minor Plaintiff and witnesses. *See* Fed. R. Civ. P. 5.2(a)(3); *Doe v. Stegall*, 653 F.2d 180, 185-86 (5th Cir. 1981) (recognizing that a party may proceed under a pseudonym where the case involves matters of a sensitive and highly personal nature, where the plaintiff is compelled to disclose information of the utmost intimacy, and where the plaintiff is a minor; relevant considerations include challenges to governmental activity, the need to disclose information of utmost intimacy, the involvement of vulnerable parties such as victims of sexual assault, and risk of mental or physical harm).

## II. PARTIES

1. Plaintiff NAOMI EDWARDS is an individual residing in Travis County, Texas. She is the mother and next friend of J.E. and brings this action on behalf of herself individually and on behalf of her minor son. As J.E.'s parent, Naomi Edwards is responsible for medical expenses and other costs incurred on J.E.'s behalf during his minority.
2. Plaintiff J.E. is an individual residing in Travis County, Texas. J.E. was born on March 28, 2007, and was sixteen (16) and seventeen (17) years old at the times relevant to this lawsuit. J.E. brings this action individually for the injuries and damages he suffered as a result of Defendants' conduct. J.E. proceeds under a pseudonym to protect his privacy pursuant to this Court's discretion
3. Defendant AUSTIN INDEPENDENT SCHOOL DISTRICT is a political subdivision and independent school district organized under the laws of the

State of Texas, with its administrative offices located at 4000 South IH-35, Austin, Texas 78704, in Travis County, Texas. AISD is one of the largest school districts in Texas, serving approximately 75,000 students across more than 125 campuses. AISD receives federal financial assistance and is therefore subject to the requirements of Title IX. AISD is responsible for the policies, practices, and customs of its school district, as well as the hiring, training, supervision, control, and discipline of its teachers, principals, and staff. AISD maintains its own police department (Austin ISD Police Department), which employs sworn peace officers with authority to investigate crimes occurring on AISD property and involving AISD students and employees. AISD may be served through its Superintendent of Schools at the above address.

4. When it is alleged in this Complaint that Defendant AISD committed any act or omission, it is meant that AISD and/or its board of trustees, and/or its superintendent, and/or its administrators, and/or its principals, and/or its police officers, and/or its teachers, and/or its employees or representatives with authority and responsibility to stop and report sexual abuse and harassment of students, committed such act or omission under color of state law, and that at the time, it was done with full authorization and/or ratification of Defendant AISD or done in the normal, customary practice and routine course and scope of employment of Defendant AISD.
5. Defendant RODNEY CHILDERS (hereinafter “Defendant Childers” or “Childers”) is an individual who, at all times material to this lawsuit, was

employed as the assistant band director and band teacher by Austin Independent School District at LBJ Early College High School. Childers is sued in his individual capacity for his personal tortious and unconstitutional conduct. The acts complained of arise from Childers' conduct while acting under color of state law as an employee of AISD, and were committed within the scope of his employment with AISD, both on and off school property. Childers may be served at his last known address or through his attorney of record in the pending criminal proceedings in Travis County, Texas.

6. At all times material to this lawsuit, Defendant Childers was acting under color of state law as a teacher employed by AISD. Childers used his position as a teacher to identify, target, groom, and sexually abuse J.E. Childers used school facilities, including his classroom and the band room at LBJ Early College High School, to facilitate his abuse. Childers used school resources and his access to student information to maintain contact with and control over J.E.
7. Upon information and belief, prior to his employment with AISD, Defendant Childers was employed by other school districts in Texas, including but not limited to Hearne Independent School District, Houston Independent School District, and McDade Independent School District. Upon information and belief, Childers' personnel files from these prior districts may contain information relevant to his propensity for inappropriate conduct with students.

### **III. JURISDICTION AND VENUE**

8. This Court has original federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) over Plaintiffs' claims arising under 42 U.S.C. § 1983 for violations of the Fourteenth Amendment to the United States Constitution, and over Plaintiffs' claims arising under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
9. This Court has supplemental jurisdiction over any state law claims pursuant to 28 U.S.C. § 1367(a) because such claims arise from the same case or controversy as Plaintiffs' federal claims and form part of the same case or controversy under Article III of the United States Constitution.
10. Venue is proper in the Western District of Texas, Austin Division, pursuant to 28 U.S.C. § 1391(b) because Defendants reside in this District and because all or a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District. LBJ Early College High School, where much of the abuse occurred, is located in Austin, Travis County, Texas.
11. Plaintiffs demand a trial by jury on all issues so triable pursuant to Federal Rule of Civil Procedure 38.

#### **IV. LEGAL BACKGROUND**

##### **A. Title IX Framework and School District Notice**

Title IX of the Education Amendments of 1972 provides, in relevant part:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

20 U.S.C. § 1681(a). Title IX is enforceable through an implied private right of action that allows individuals to recover damages when federally funded educational institutions engage in intentional sex discrimination. *See Cannon v. University of Chicago*, 441 U.S. 677 (1979); *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).

The Supreme Court has recognized that sexual harassment and abuse by a teacher constitutes discrimination “on the basis of sex” under Title IX. *Franklin*, 503 U.S. at 75. In *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998), the Supreme Court established the standard for institutional liability under Title IX for teacher-on-student sexual harassment:

*[A] damages remedy will not lie under Title IX unless an official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient’s behalf has actual knowledge of discrimination in the recipient’s programs and fails adequately to respond.*

*Gebser*, 524 U.S. at 290. The Court further explained that a school district’s response must not “amount to deliberate indifference to discrimination.” *Id.*

In *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999), the Supreme Court elaborated on the deliberate indifference standard, holding that school districts can be liable under Title IX for either (1) causing students to undergo harassment, or (2) making students vulnerable to harassment. *Id.* at 644-45. A school district acts with deliberate indifference when its response to known harassment “is clearly unreasonable in light of the known circumstances.” *Id.* at 648.

The Davis Court emphasized that school boards have been on notice since at least 1997 that they could be held liable for their own failure to address harassment and follow guidelines developed by the Department of Education's Office for Civil Rights:

*The Department of Education requires recipients of federal funding to promulgate and publish grievance procedures providing for prompt and equitable resolution of sex discrimination complaints, 34 C.F.R. § 106.8(b) (1998), and, in 1997, the Department announced that it would take enforcement action against any recipient that failed to timely and adequately respond to student sexual harassment complaints. Department of Education, Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 62 Fed. Reg. 12034, 12039-12040 (1997).*

*Davis*, 526 U.S. at 647-48.

The Office for Civil Rights guidance made clear that school personnel must understand their legal obligations to address sexual harassment and that they are in the best position to recognize and prevent harassment, to lessen harm to students, and importantly, to remedy the effects of harassment:

*The elimination of sexual harassment of students in federally assisted educational programs is a high priority for OCR. Through its enforcement of Title IX, OCR has learned that a significant number of students, both male and female, have experienced sexual harassment, that sexual harassment can interfere with a student's academic performance and emotional and physical well-being, and that preventing and remedying sexual harassment in schools is essential to ensure nondiscriminatory, safe environments in which students can learn.*

62 Fed. Reg. 12034.

When a school district receives actual notice of teacher-on-student sexual abuse and fails to take any protective measures, its response is clearly unreasonable in light of the known circumstances.

### **B. Section 1983 and Constitutional Protections**

The Fourteenth Amendment to the United States Constitution provides that no State shall “deprive any person of life, liberty, or property, without due process of law” or “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. Section 1983 provides a cause of action against any person who, acting under color of state law, deprives another of rights secured by the Constitution:

*Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.*

42 U.S.C. § 1983.

The Fifth Circuit has long recognized that students have a constitutionally protected liberty interest in their bodily integrity. In *Doe v. Taylor Independent School District*, 15 F.3d 443 (5th Cir. 1994) (en banc), the Fifth Circuit held:

*If the Constitution protects a schoolchild against being tied to a chair or against arbitrary paddlings, then surely the Constitution protects a schoolchild from physical sexual abuse—here, sexually fondling a 15-year old school girl and statutory rape—by a public schoolteacher.*

*Doe v. Taylor*, 15 F.3d at 451. The *Taylor* court unequivocally held that “schoolchildren do have a liberty interest in their bodily integrity that is protected by the Due Process Clause of the Fourteenth Amendment and that physical sexual abuse by a school employee violates that right.” *Id.* at 445.

Additionally, claims of sexual harassment and abuse may sound under the Equal Protection Clause when a state actor acts under color of law for the purpose of his own sexual gratification. The Supreme Court has recognized that “§ 1983 suits based on the Equal Protection Clause are available to plaintiffs alleging unconstitutional gender discrimination in schools.” *Fitzgerald v. Barnstable School Committee*, 555 U.S. 246, 258 (2009). Multiple circuits have held that when a state actor sexually abuses a person for purposes of sexual gratification, acting under color of law, that conduct violates the Equal Protection Clause. *See Doe v. Beaumont Independent School District*, 615 F. Supp. 3d 471, 492-95 (E.D. Tex. 2022) (collecting cases from Second, Third, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and D.C. Circuits).

Importantly, Title IX does not preclude parallel § 1983 claims. As the Supreme Court explained in *Fitzgerald*:

*Title IX was not meant to be an exclusive mechanism for addressing gender discrimination in schools, or a substitute for § 1983 suits as a means of enforcing constitutional rights.*

*Fitzgerald*, 555 U.S. at 258. Both claims can proceed concurrently because they protect different rights—Title IX prohibits sex discrimination in federally funded programs while § 1983 protects constitutional rights.

### **C. Texas Mandatory Reporting Requirements**

Texas law imposes mandatory reporting requirements on educators and other professionals who have cause to believe that a child has been abused. The Texas Family Code provides:

*A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.*

Tex. Fam. Code § 261.101(a). The statute defines “abuse” to include “sexual conduct harmful to a child’s mental, emotional, or physical welfare.” Tex. Fam. Code § 261.001(1)(E).

The Texas Education Code further requires superintendents to notify the State Board for Educator Certification when there is reasonable cause to believe that an educator has committed an unlawful act with a student or minor:

*A superintendent must notify the State Board for Educator Certification if . . . the superintendent has reasonable cause to believe that . . . the educator . . . was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.*

Tex. Educ. Code § 21.006(b)(2)(A)(ii).

These mandatory reporting requirements put school districts on clear notice of their obligations to protect students from sexual abuse and to report suspected abuse to the appropriate authorities. A school district’s failure to comply with these requirements is evidence of deliberate indifference to the known risk of sexual abuse.

### **D. Required Protective Measures Under Title IX**

When a school district receives a report of sexual harassment or abuse, Title IX requires the district to “immediately investigate and implement remedial measures.” *Roe v. Cypress-Fairbanks Independent School District*, 53 F.4th 334, 341 (5th Cir. 2022). The Fifth Circuit has identified specific protective measures that schools must take when they receive notice of sexual misconduct. In *I.L. v. Houston Independent School District*, 776 Fed. App’x 839 (5th Cir. 2019), the court held that appropriate responses include:

- Obtaining written statements from the victim
- Contacting the victim’s parents
- Issuing a no-contact order
- Taking steps to keep the aggressor away from the victim

More recently, in *Harrower v. Eastland Independent School District*, 786 F. Supp. 3d 998 (W.D. Tex. 2025), a court in this District held that a four-day delay in taking protective action after receiving a report of abuse, without implementing any remedial measures, demonstrates deliberate indifference.

AISD took none of these measures after receiving the July 21, 2024 report of Childers’ abuse of J.E.

## **V. FACTUAL ALLEGATIONS**

### **A. Defendant Childers’ Employment with AISD**

12. Upon information and belief, Defendant Rodney Childers was employed by Austin Independent School District as the assistant band director and band

teacher at LBJ Early College High School beginning in approximately August 2023. Childers was a certified educator who held a position of trust and authority over students in the band program.

13. Upon information and belief, prior to his employment with AISD, Childers worked at other school districts in Texas, including Hearne Independent School District, Houston Independent School District, and McDade Independent School District. Upon information and belief, Childers' personnel files from these prior districts may contain information relevant to his propensity for inappropriate conduct with students.
14. In his role as a band teacher, Childers had regular, unsupervised access to students, including J.E. Childers used this access to identify vulnerable students, build inappropriate relationships, and ultimately sexually abuse them.
15. The band program at LBJ Early College High School, like band programs throughout Texas, involves extensive one-on-one instruction, after-school rehearsals, weekend competitions, and overnight trips—all of which provide opportunities for predatory teachers to groom and abuse students. AISD had a duty to properly train and supervise band teachers like Childers to prevent such abuse.

**B. Childers Identifies and Targets J.E.**

16. J.E. was a student at LBJ Early College High School and was enrolled in the band program under Childers' instruction. J.E. was born on March 28, 2007,

and was sixteen years old when Childers began grooming him in the fall of 2023.

17. J.E. was a vulnerable student. He lacked a consistent male role model in his life and was searching for guidance and support. J.E.'s father was absent from the household, and his brother suffered from a serious medical condition that required frequent and prolonged hospitalization. J.E.'s mother was often away from home for extended periods, sometimes hours away, providing care for J.E.'s brother at the hospital. Defendant Childers became aware of these family circumstances, identified the resulting vulnerabilities, and exploited them.
18. Childers positioned himself as a trusted mentor and "father figure" to J.E. He paid special attention to J.E., offered encouragement and support, and made J.E. feel valued and important. This is a classic grooming technique used by sexual predators to gain the trust of their victims before escalating to sexual abuse. As part of his identification and targeting of vulnerable students, Childers also asked J.E. inappropriate and sexually probing questions about other students at LBJ Early College High School, including questions about which other students were gay or bisexual.
19. In communications with at least one other minor victim (Student Victim 2), Childers referred to J.E. as his "son"—revealing the predatory "father figure" role Childers cultivated to manipulate and control J.E.

### **C. Childers' Grooming of J.E. (Fall 2023 – Summer 2024)**

20. Beginning in approximately the fall of 2023, Childers began grooming J.E. for sexual abuse. Childers' grooming followed patterns well-documented in cases of educator sexual abuse.
21. Childers initiated inappropriate communications with J.E. through Instagram direct messages. What began as seemingly innocent mentorship communications gradually escalated to inappropriate personal conversations, and eventually to explicitly sexual content. Childers also began offering J.E. and other students rides home from band practice. Childers deliberately dropped J.E. off last so that he could isolate J.E. alone in his vehicle, where he would pull over and engage J.E. in private conversation.
22. Childers sent J.E. sexually explicit text messages. Through these messages, Childers discussed sexual topics, expressed romantic and sexual interest in J.E., and gradually normalized sexual conversation with the minor. On multiple occasions during the isolated drives described above, Childers exposed his penis and masturbated in front of J.E. and induced J.E. to participate, further normalizing sexual conduct between teacher and student.
23. Childers solicited nude photographs from J.E. Under Childers' manipulation and psychological control, J.E. sent Childers nude photographs of himself. The possession of these photographs by Childers constitutes child pornography—one of the felony charges for which Childers has been indicted.
24. Childers provided J.E. with financial incentives as part of his grooming scheme. Childers sent J.E. approximately \$1,500 through the Cash App mobile

payment application over the course of their relationship. This money served multiple purposes: it created a sense of obligation in J.E., it provided Childers with leverage and control, and it normalized the exchange of value in their relationship—conditioning J.E. to accept “gifts” in exchange for compliance with Childers’ demands.

25. Childers also provided J.E. with other gifts and special treatment. Childers gave J.E. haircuts. Childers gave J.E. rides in his personal vehicle. These acts further cemented the inappropriate relationship, created opportunities for Childers to isolate J.E. from other students and potential witnesses, and deepened J.E.’s psychological dependence on Childers.
26. Throughout the grooming process, Childers used his position of authority as J.E.’s teacher to maintain control. J.E. saw Childers as a trusted adult—his teacher and mentor. Childers exploited this trust to manipulate J.E. into compliance with increasingly inappropriate and ultimately criminal conduct. Childers also leveraged his position of authority to silence J.E., explicitly warning J.E. not to disclose what was occurring because Childers “could lose his job.” This warning both ensured J.E.’s silence and confirmed Childers’ awareness that his conduct was wrongful and criminal.

#### **D. Childers’ Sexual Assaults of J.E.**

27. On or about **January 2024**, Childers facilitated and/or participated in a sexual assault of J.E. involving a third-party adult. Upon information and belief, Childers arranged for this third party to have sexual contact with J.E. The

identity of this third party is currently unknown but may be discovered through investigation and discovery in this case and the pending criminal proceedings.

28. On or about **February 2024**, Childers sexually assaulted J.E. in Childers' personal vehicle. During the period of abuse, Childers also sexually assaulted J.E. in the parking lot of J.E.'s apartment complex.
29. On or about **July 19, 2024**, Childers sexually assaulted J.E. **in the band room at LBJ Early College High School**, on school property, during or around school hours. Childers facilitated this assault, and other on-campus assaults, by leaving the key to the band room on his desk for J.E. to retrieve. The band room is located upstairs in an area of the school that is not monitored by surveillance cameras—a fact Childers knew and exploited to commit the abuse undetected. Inappropriate conduct between Childers and J.E. in the band program area also occurred in the band room office on multiple occasions, at times while Childers' own child was present. On or around the same date, Childers picked J.E. up under the false pretext of a "birthday" celebration, telling J.E. that J.E. had never had a real birthday party before. Childers then took J.E. to the school and sexually assaulted him there. This assault occurred within AISD's "education program or activity" as contemplated by Title IX.
30. On or about **July 26, 2024**—five days after Naomi Edwards reported Childers' abuse to AISD Police—Childers took J.E. to an adult pornographic store and sexually assaulted him there. This assault occurred **because AISD failed to**

**take any action** to separate Childers from J.E. or to protect J.E. from further abuse after receiving the July 21, 2024 report.

31. Each of these sexual assaults constituted criminal conduct and has been charged as such. Childers has been indicted on multiple felony counts arising from his abuse of J.E., including three counts of Improper Relationship Between Educator and Student, two counts of Indecency with a Child, and one count of Child Grooming.

**E. Don Hayes' Inquiry and Failure to Act (Spring 2024)**

32. In or around the spring of 2024, **Don Hayes**, the band director at LBJ Early College High School and Childers' direct supervisor, suspected that Childers was engaged in an inappropriate relationship with J.E.
33. The fact that Hayes—Childers' supervisor—became suspicious of the relationship demonstrates that the grooming and inappropriate conduct between Childers and J.E. was visible enough to raise concerns among AISD staff. The signs of abuse that a trained educator should recognize were present.
34. Hayes directly asked J.E. whether Childers was “**doing anything inappropriate**” with him. This inquiry shows that Hayes suspected sexual misconduct—not merely a close mentorship or favoritism, but *inappropriate* conduct of a nature serious enough to warrant confronting the student directly.
35. J.E., who was under Childers' psychological manipulation and control, denied the abuse. This denial is consistent with the well-documented behavior of grooming victims, who often protect their abusers due to shame, fear, confusion

about the nature of the relationship, or psychological manipulation by the abuser.

36. Despite his suspicions—suspicions serious enough to prompt a direct inquiry to the student—and despite his statutory obligation under Tex. Fam. Code § 261.101(a) and AISD’s own policies requiring reporting of suspected abuse *regardless of a student’s denial*, **Hayes took no further action**. Hayes did not:

- Report his suspicions to the school administration
- Report his suspicions to the AISD Title IX Coordinator
- Report his suspicions to AISD Police
- Notify J.E.’s parents of his concerns
- Request an investigation
- Document his concerns in writing
- Take any steps to monitor Childers’ interactions with J.E.
- Separate Childers from J.E. or limit their contact

37. Hayes’ failure to take any action after his direct inquiry was consistent with AISD’s inadequate training and policies for detecting, reporting, and preventing educator sexual abuse. AISD failed to train employees like Hayes to recognize that a student’s denial does not mean abuse is not occurring—

particularly when the employee has observed signs serious enough to prompt an inquiry in the first place.

38. Had Hayes reported his suspicions to the administration, to the Title IX Coordinator, or to J.E.'s parents, the abuse could have been discovered and stopped months earlier. Instead, the abuse continued for several more months, culminating in the assaults in July 2024. Don Hayes is no longer employed by AISD. Upon information and belief, concerns existed within the band program at LBJ Early College High School involving inappropriate conduct that was not limited to Childers or to J.E., including concerns implicating additional staff members in the program.

**F. The July 21, 2024 Report to AISD Police**

39. On **July 21, 2024**, Naomi Edwards, J.E.'s mother, **reported to Officer Lang of the Austin ISD Police Department** that Defendant Childers was sexually abusing her son. Naomi Edwards reported, among other things, the substantial Cash App payments that Childers had been sending to J.E. Officer Lang, in turn, reported the matter to school administration. On or about about July 23, 2024, Principal Henry of LBJ Early College High School was contacted regarding the report.
40. The Austin ISD Police Department is a law enforcement agency operated by Austin Independent School District. AISD Police officers are sworn peace officers with authority to investigate crimes, make arrests, and take action to protect students and staff. The AISD Police Department is staffed by

employees of the District. AISD's own policies and Title IX procedures designate the AISD Police Department as a recognized channel for reporting suspected misconduct involving students, and the Chief of AISD Police reports through the chain of command to the Superintendent.

41. The July 21, 2024 report to AISD Police constituted **actual notice to an appropriate person** under Title IX—that is, “an official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient’s behalf.” *Gebser*, 524 U.S. at 290. Upon information and belief, AISD Police are required by district policy to coordinate with campus administrators, the AISD Title IX Coordinator, and District leadership to implement protective measures upon receipt of reports of educator misconduct, and have the authority to recommend or effectuate suspension, removal from contact with students, no-contact orders, and other interim protective measures pending investigation.
42. Following the July 21, 2024 report, the report was communicated to and known by AISD officials with final policymaking authority over student safety and personnel matters, including Officer Lang of AISD Police, the Chief of AISD Police, Principal Henry of LBJ Early College High School (contacted on Monday, July 23, 2024), the AISD Title IX Coordinator, and/or the Superintendent or his designee. Each of these officials had authority to institute corrective measures. Each failed to do so.

43. This was not a vague rumor or secondhand gossip. This was a direct report from the victim's mother to law enforcement personnel employed by the District—a report that a teacher was sexually abusing her son.

**G. AISD's Deliberate Indifference: Complete Failure to Act**

44. Despite receiving this direct report of ongoing sexual abuse of a minor student by a teacher, **AISD took no action whatsoever.**

45. AISD did not suspend Childers pending investigation.

46. AISD did not place Childers on administrative leave.

47. AISD did not remove Childers from the classroom.

48. AISD did not issue a no-contact order prohibiting Childers from contacting J.E.

49. AISD did not notify J.E.'s parents that protective measures were being implemented—because no protective measures were implemented.

50. AISD did not take any steps to separate Childers from J.E. or to prevent further contact between them.

51. AISD did not interview J.E. or obtain a written statement from him.

52. AISD did not interview other students who might have witnessed inappropriate conduct.

53. AISD did not examine Childers' communications with students.

54. Upon information and belief, AISD also failed to comply with its statutory reporting obligations following the July 21, 2024 report. Tex. Fam. Code §

261.101(a) requires any person having cause to believe that a child has been abused to *immediately* make a report to a law enforcement agency or to the Texas Department of Family and Protective Services (“DFPS”). Upon information and belief, AISD failed to make any such report to DFPS following Naomi Edwards’ July 21, 2024 report. This failure is an independent act of deliberate indifference and an independent violation of Texas law.

55. Upon information and belief, AISD also failed to notify the State Board for Educator Certification (“SBEC”) as required by Tex. Educ. Code § 21.006(b). That statute requires the superintendent to notify SBEC when there is reasonable cause to believe an educator was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor. Upon information and belief, AISD failed to notify SBEC of Childers’ suspected misconduct in a timely manner following the July 21, 2024 report. This failure is an independent act of deliberate indifference.
56. In short, AISD did nothing. For five days after receiving a direct report of sexual abuse, AISD allowed Childers to remain free to continue his abuse of J.E.—which is exactly what happened.
57. AISD’s complete failure to act in response to the July 21, 2024 report was **clearly unreasonable in light of the known circumstances** and constitutes deliberate indifference. *Davis*, 526 U.S. at 648.

#### **H. The July 26, 2024 Assault: A Preventable Tragedy**

58. Because AISD failed to take any action after the July 21, 2024 report, Defendant Childers remained free to continue his abuse of J.E.
59. On **July 26, 2024**—exactly five days after Naomi Edwards reported Childers’ abuse to AISD Police—Childers took J.E. to an adult pornographic store and sexually assaulted him.
60. This assault was **entirely preventable**. Had AISD taken even the most basic protective measures after receiving the July 21 report—such as placing Childers on administrative leave, issuing a no-contact order, or simply informing J.E.’s mother that Childers had been separated from her son—the July 26 assault would not have occurred.
61. AISD’s deliberate indifference to the July 21 report was the direct and proximate cause of the July 26 assault and the injuries J.E. suffered as a result.
62. A four-day delay in responding to a report of abuse, without taking any protective measures, has been recognized as supporting deliberate indifference. *See Harrower v. Eastland ISD*, 786 F. Supp. 3d 998 (W.D. Tex. 2025). Here, AISD’s delay was even longer than the four-day delay in Harrower—it took no action at all for five days, allowing Childers unfettered access to continue abusing J.E.

### **I. Childers’ Confession and Criminal Prosecution**

63. On July 31, 2024, Defendant Childers was interviewed by AISD Police. During this interview, Childers confessed to sexually abusing J.E. Childers admitted to the sexual relationship and acknowledged that his conduct was criminal.

64. Childers' confession is admissible in this civil action as a party admission under Federal Rule of Evidence 801(d)(2).
65. Following his confession, Childers was arrested and criminally charged. A grand jury in Travis County, Texas has returned indictments against Childers on nine felony counts:
- Three (3) counts of Improper Relationship Between Educator and Student, Second Degree Felonies, in violation of Texas Penal Code § 21.12
  - Two (2) counts of Indecency with a Child, Second and Third Degree Felonies, in violation of Texas Penal Code § 21.11
  - One (1) count of Child Grooming, Third Degree Felony, in violation of Texas Penal Code § 33.022
  - Two (2) counts of Online Solicitation of a Minor, Second and Third Degree Felonies, in violation of Texas Penal Code § 33.021
  - One (1) count of Possession of Child Pornography, Third Degree Felony, in violation of Texas Penal Code § 43.26
66. On March 10, 2025, a grand jury returned additional indictments against Childers for two counts of Online Solicitation of a Minor arising from his conduct with Student Victim 2.

67. The criminal proceedings against Childers remain pending. If Childers is convicted, the convictions will have collateral estoppel effect in this civil action on the issues necessarily decided in the criminal case.

**J. AISD's Title IX Determination: Childers Found RESPONSIBLE**

68. Following the criminal investigation, AISD conducted its own Title IX investigation into Childers' conduct.

69. On **August 11, 2025**, AISD issued its Title IX determination finding that Defendant Childers was **RESPONSIBLE** for sexually harassing and abusing J.E. in violation of Title IX and AISD policy.

70. AISD's own investigation confirmed what the criminal investigation had already established: Childers sexually abused J.E., and AISD failed to protect him.

**K. The Second Victim: Evidence of Pattern and Notice**

71. Evidence from the criminal investigation reveals that J.E. was not Childers' only victim. Defendant Childers was simultaneously targeting and soliciting at least one other minor student ("Student Victim 2") during the same time period he was abusing J.E.

72. According to the arrest affidavit and indictment filed in the criminal case:

73. On or about **January 30, 2024**, Childers initiated contact with Student Victim 2 through the dating and hookup application "Jack'd." Childers asked Student Victim 2 sexual positioning questions and sent a photograph of his penis to the minor.

74. On or about **May 3, 2024**, Childers asked Student Victim 2 if he was on the hookup application “Sniffies” and sent a shirtless photograph of himself to the minor.
75. On or about **May 9, 2024**, Childers identified himself as working at a school and sent Student Victim 2 a photograph taken from his office at LBJ Early College High School.
76. On or about **May 14, 2024**, Childers sent Student Victim 2 **a video of himself masturbating and ejaculating in his office at LBJ Early College High School**. Childers also solicited Student Victim 2 to meet for sex.
77. In his communications with Student Victim 2, Childers acknowledged that Student Victim 2 was a minor and stated that he could not “hook up” due to his job and the victim’s age—demonstrating that Childers was fully aware his conduct was criminal and that his position as a teacher both provided access to victims and created risk if discovered.
78. Disturbingly, in his communications with Student Victim 2, **Childers referred to J.E. as his “son”**—revealing the predatory “father figure” role Childers cultivated to groom and control his victims.
79. The existence of Student Victim 2 demonstrates that Childers was engaged in a pattern of predatory conduct targeting multiple minor victims. This was not an isolated incident or a single lapse in judgment—this was systematic predation.

80. The similar modus operandi—using his position as a teacher to identify and target vulnerable minors, using electronic communications and dating/hookup applications to solicit minors, sending sexually explicit images and videos, and grooming victims through manipulation—demonstrates a common plan or scheme. This pattern is direct evidence of the risk Childers posed to AISD students and of AISD’s deliberate indifference to that risk.
81. The fact that Childers created sexually explicit content (the masturbation video) **in his office at LBJ Early College High School**—and sent it to a minor—demonstrates that Childers’ abuse occurred within AISD’s “education program or activity” as required for Title IX liability. *See* 20 U.S.C. § 1681(a). Childers used school facilities to create child pornography and to solicit minors for sex.

#### **L. AISD’s Policies, Customs, and Practices**

82. The constitutional violations and injuries suffered by J.E. were caused by AISD’s policies, customs, and practices of deliberate indifference to the known risk of sexual abuse of students by employees.
83. AISD maintained policies, customs, and practices that included:
- (a) Failing to adequately train employees to recognize the signs of grooming and sexual abuse of students by educators;
  - (b) Failing to adequately train employees on their mandatory reporting obligations under Texas law;

- (c) Failing to adequately train supervisors like Don Hayes to take appropriate action when they suspect inappropriate conduct between an employee and a student—including reporting suspicions even when a student denies abuse;
- (d) Failing to implement and enforce policies requiring immediate protective action when reports of abuse are received;
- (e) Failing to adequately supervise employees, including Defendant Childers, to prevent sexual abuse of students;
- (f) Failing to take any protective action after receiving the July 21, 2024 report of sexual abuse;
- (g) Failing to properly screen employees for prior misconduct, including failure to obtain and review personnel files from prior school districts;
- (h) Failing to train students and parents on the recognition and reporting of inappropriate conduct by educators;
- (i) Failing to make immediate reports of suspected abuse to the Texas Department of Family and Protective Services as required by Tex. Fam. Code § 261.101;
- (j) Failing to notify the State Board for Educator Certification of educator misconduct as required by Tex. Educ. Code § 21.006(b);
- (k) Maintaining a culture of indifference to the safety and well-being of students with respect to sexual abuse by employees;

(l) Failing to maintain appropriate supervision and monitoring of the physical environment within the band program space, including failing to monitor or account for the existence of a room within the band program space that contained furnishings inconsistent with instructional use, including futons.

84. These policies, customs, and practices were the moving force behind the violation of J.E.'s constitutional rights.
85. AISD's policymakers and/or those delegated with policymaking authority adopted, authorized, and/or ratified these policies, customs, and practices.

#### **M. AISD's Own Board Policies and Procedures**

86. AISD has adopted Board Policies that govern the District's response to sexual harassment, sexual misconduct by employees, and reports of suspected child abuse. These Board Policies establish substantive obligations and procedural requirements that AISD failed to meet in this case.
87. AISD Board Policy FB (LEGAL) prohibits discrimination on the basis of sex as contemplated by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. AISD Board Policy FB (LOCAL) addresses equal opportunity for all students and prohibits discrimination, harassment, and retaliation in accordance with Board Policy FFH.
88. AISD Board Policy FFH (LOCAL) requires that reports of discrimination, harassment, and retaliation based upon sex or gender be directed to the

designated Title IX Coordinator. AISD Board Policy FFH (LOCAL) further requires that District officials promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult, and that District officials immediately notify the parent or guardian of any student identified as the alleged victim.

89. AISD Board Policy FFH (LOCAL) requires that, upon receipt of a report of prohibited conduct, the District immediately undertake an investigation. AISD Board Policy FFH (LOCAL) further requires that, regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District promptly take interim action calculated to address prohibited conduct prior to the completion of the District's investigation.
90. AISD Board Policy FFH (LOCAL) requires that investigations be completed within ten District business days from the date of the report, absent extenuating circumstances.
91. AISD Board Policy FFG (LOCAL) addresses the affirmative duty each AISD educational professional has to report suspected child and sexual abuse to local Child Protective Services or law enforcement, consistent with Tex. Fam. Code § 261.101. AISD's own policy provides that the failure to report violates Board Policy, may itself constitute a crime, and may subject the responsible person to disciplinary action.
92. AISD's response to the July 21, 2024 report of Childers' sexual abuse of J.E. violated each of these Board Policies. AISD did not promptly notify Naomi

Edwards or J.E. of any interim measures because no interim measures were implemented. AISD did not immediately undertake an investigation. AISD did not take interim action of any kind for five days following the report. AISD did not complete its Title IX investigation until after J.E. had graduated from LBJ Early College High School in Spring 2025—approximately ten months after Naomi Edwards’ initial report, far in excess of the ten-business-day target set by Board Policy FFH (LOCAL).

**N. AISD’s Post-Disclosure Failures and Educational Impact on J.E.**

93. After Naomi Edwards reported Childers’ abuse on July 21, 2024, J.E. remained enrolled at LBJ Early College High School for his senior year (2024–2025).
94. Throughout J.E.’s senior year, AISD’s Title IX investigation into Childers’ abuse remained pending. AISD did not complete its Title IX investigation or issue final findings until after J.E. graduated in Spring 2025.
95. On or about July 25, 2024, the Austin ISD Police Department conducted an interview with Naomi Edwards and J.E.
96. On or about August 15, 2024, Naomi Edwards received from AISD a document titled “Notice of Supportive Measures Meeting Regarding Title IX Alleged Sexual Harassment.”
97. On or about August 19, 2024, Naomi Edwards attended a meeting with AISD to discuss supportive measures for J.E. AISD identified J.E.’s needs as including academic support, psychological services, transportation assistance,

safety planning, and ongoing monitoring. Despite recognizing these needs, AISD did not implement formal, enforceable supports at that time.

98. On or about August 23, 2024, Naomi Edwards received from AISD a document summarizing the supportive measures meeting and the Title IX complaint process.
99. On or about October 2, 2024, AISD issued a ten-day extension of its Title IX investigation.
100. On or about October 10, 2024, AISD conducted its initial Section 504 evaluation of J.E. and determined that J.E. qualified for protections and services under Section 504 of the Rehabilitation Act of 1973 based on Post-Traumatic Stress Disorder (“PTSD”). AISD acknowledged that J.E.’s PTSD impacted his emotional functioning, thinking, and learning. AISD recognized that J.E. was experiencing difficulty with peer interactions, including derogatory comments related to the incident.
101. AISD agreed to implement accommodations through J.E.’s Section 504 Plan, including counseling access, regular check-ins, a safety plan, mentorship, and academic supports. However, these accommodations were not consistently or effectively implemented by AISD.
102. Among other failures, AISD failed to provide J.E. with a meaningful mentor, failed to provide an adequate calming space, failed to provide consistent academic support, failed to provide promised updates to Naomi Edwards, and

failed to address transportation concerns and excessive commute times that further interfered with J.E.'s ability to access instruction. AISD did not implement Naomi Edwards' requests for flexible learning options to address J.E.'s trauma-related needs.

103. Despite acknowledging that J.E.'s PTSD impacted his emotional functioning, thinking, and learning, and despite clear indicators that J.E.'s needs exceeded the scope of a Section 504 Plan, AISD did not initiate a comprehensive evaluation of J.E. under the Individuals with Disabilities Education Act ("IDEA") and failed to satisfy its Child Find obligations under 20 U.S.C. § 1412(a)(3) and 34 C.F.R. § 300.111.
104. On or about April 16, 2025, Naomi Edwards reported to AISD an additional incident involving peer misconduct toward J.E. and expressed concern regarding AISD's failure to communicate and respond. AISD did not respond to Naomi Edwards' concerns for approximately one week.
105. After receiving no response, an educational advocate contacted AISD on or about April 25, 2025, to request information regarding the incident and the actions AISD had taken. Later that same day, a campus administrator finally responded with information regarding the incident.
106. AISD, through its legal counsel, subsequently directed that all further communications with Naomi Edwards be made through legal counsel rather than directly with campus administration—further delaying access to information necessary to address J.E.'s safety and educational needs.

107. AISD graduated J.E. in Spring 2025 without providing appropriate transition supports and without ensuring J.E. was prepared for postsecondary education or independent functioning.

**O. J.E.'s Post-Graduation Regression and Loss of Educational Access**

108. Following his graduation in Spring 2025, J.E. experienced significant and progressive deterioration in his mental health and overall functioning.

109. J.E. has been diagnosed with Post-Traumatic Stress Disorder (PTSD), psychosis, and schizoaffective disorder. These conditions are causally connected to the sexual abuse perpetrated by Childers and were exacerbated by AISD's failure to provide adequate supports during J.E.'s remaining time as a student.

110. J.E. also contracted multiple advanced infections associated with the sexual abuse, which progressed to impact his neurological and cognitive functioning.

111. As J.E.'s condition deteriorated post-graduation, he exhibited episodes of severe disorientation and behavioral dysregulation, including an incident requiring law enforcement intervention and involuntary psychiatric hospitalization.

112. J.E. attempted to pursue postsecondary education at Austin Community College but was unable to pass the Texas Success Initiative Assessment ("TSI") requirements or successfully complete coursework. J.E. has also been unable to sustain participation in adult education programs.

113. As a direct result of the sexual abuse perpetrated by Childers and AISD's deliberate indifference and failures to accommodate, supervise, investigate, and protect, J.E. has been effectively excluded from meaningful educational opportunity and is unable to access postsecondary education, vocational training, or employment pathways without intensive support.
114. J.E. now requires intensive mental health intervention, structured educational support, assistance with executive functioning and daily living skills, and therapeutic services to address his trauma and to rebuild academic and vocational pathways. J.E. remains within the age of eligibility for special education services under Texas law.

## **VI. CLAIMS FOR RELIEF**

All facts, matters, claims, and allegations set forth in the above paragraphs are incorporated into each of the below Claims for Relief for all purposes and without repeated recitation. All claims are pled in the alternative to avoid waiver.

### **COUNT I**

#### **TITLE IX – DELIBERATE INDIFFERENCE**

##### **(Against Defendant AISD Only)**

115. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.
116. Austin Independent School District is a recipient of federal financial assistance and is therefore subject to the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

117. Defendant Childers' sexual harassment and abuse of J.E. constituted discrimination "on the basis of sex" within the meaning of Title IX.
118. Childers' sexual abuse of J.E. deprived J.E. of access to educational opportunities and benefits provided by AISD.
119. AISD had actual notice of Childers' sexual harassment and abuse of J.E. through the **July 21, 2024 report to AISD Police**. The AISD Police Department, including Officer Lang who received the report, the Chief of AISD Police, and officers acting within the scope of their duties, are officials of the District with authority to address the alleged discrimination and to institute corrective measures, including by recommending or effectuating suspension, separation from the alleged victim, no-contact orders, and other interim protective measures, and by coordinating with campus administrators, the AISD Title IX Coordinator, and the Superintendent. Following Officer Lang's receipt of the report, the report was further escalated to Principal Henry of LBJ Early College High School on Monday, July 23, 2024. As Principal of the campus where Childers was employed and where J.E. attended, Principal Henry independently constituted an "appropriate person" with authority to institute corrective measures, including suspending Childers, removing Childers from the classroom, issuing a no-contact order, and notifying J.E.'s parents of protective measures. Principal Henry took none of these actions.
120. In addition, Don Hayes—the band director at LBJ Early College High School—was Childers' direct supervisor with authority over Childers' daily activities

and access to J.E. Hayes had actual knowledge in spring 2024 of conduct sufficiently inappropriate to prompt him to directly question J.E. about whether Childers was “doing anything inappropriate.” Hayes had authority to take corrective measures, including reporting to administration, the Title IX Coordinator, and law enforcement, separating Childers from J.E., notifying parents, and requesting investigation. Hayes failed to take any such measures.

121. Despite this actual notice, **AISD responded with deliberate indifference.** AISD took no action whatsoever to protect J.E. from further abuse after receiving the July 21, 2024 report. AISD did not suspend Childers, did not remove him from the classroom, did not issue a no-contact order, did not implement any protective measures, did not notify DFPS, and did not notify SBEC.
122. AISD’s response—or complete lack thereof—was clearly unreasonable in light of the known circumstances. A school district that receives a direct report of ongoing sexual abuse of a minor student by a teacher and takes no action in response acts with deliberate indifference.
123. As a direct and proximate result of AISD’s deliberate indifference, J.E. was sexually assaulted by Childers on **July 26, 2024**—five days after the report. This assault was entirely preventable had AISD taken appropriate action after the July 21, 2024 report.
124. AISD’s deliberate indifference caused J.E. to suffer injuries including, as recoverable under Title IX, past and future medical expenses, therapy and

counseling costs, loss of educational opportunities and benefits, and other economic losses.

125. Plaintiffs are entitled to recover compensatory damages under Title IX, including past and future medical expenses, therapy and counseling costs, loss of educational opportunities, and other economic losses recoverable under Title IX. *See Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992); *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212 (2022). Plaintiffs' claims for emotional distress, mental anguish, pain and suffering, dignitary harm, and similar non-economic damages are pled and pursued exclusively under 42 U.S.C. § 1983 in Counts II, III, and IV below, and are not sought under Title IX.
126. Plaintiffs are further entitled to recover reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988(b), which expressly provides for fee awards in Title IX cases.

## **COUNT II**

### **42 U.S.C. § 1983 – FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS**

**(Violation of Right to Bodily Integrity)**

**(Against All Defendants)**

127. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

128. The Fourteenth Amendment to the United States Constitution protects individuals from deprivation of life, liberty, or property without due process of law. U.S. Const. amend. XIV, § 1.
129. The Fifth Circuit has recognized that “schoolchildren do have a liberty interest in their bodily integrity that is protected by the Due Process Clause of the Fourteenth Amendment and that physical sexual abuse by a school employee violates that right.” *Doe v. Taylor Independent School District*, 15 F.3d 443, 445 (5th Cir. 1994) (en banc).
130. Defendant Childers, while acting under color of state law as an employee of AISD, violated J.E.’s clearly established constitutional right to bodily integrity by sexually abusing him on multiple occasions between January 2024 and July 2024.
131. Defendant Childers is not entitled to qualified immunity. The right of a public school student to be free from physical sexual abuse by a school employee was clearly established no later than *Doe v. Taylor Independent School District*, 15 F.3d 443 (5th Cir. 1994) (en banc), three decades before the conduct alleged herein. No reasonable educator in Childers’ position could have believed that sexually abusing a student entrusted to his care was constitutional.
132. Defendant AISD maintained policies, customs, and practices that were deliberately indifferent to the known risk of sexual abuse of students by employees. These policies, customs, and practices were the moving force behind the violation of J.E.’s constitutional rights.

133. AISD's policies, customs, and practices that were the moving force behind J.E.'s injuries include, but are not limited to:
- (a) Failing to adequately train employees to recognize, report, and respond to signs of grooming and sexual abuse;
  - (b) Failing to implement and enforce policies requiring immediate protective action when reports of abuse are received;
  - (c) Failing to adequately supervise employees, including Defendant Childers, to prevent sexual abuse of students;
  - (d) Failing to take any protective action after receiving the July 21, 2024 report of sexual abuse;
  - (e) Failing to make required reports to DFPS under Tex. Fam. Code § 261.101 and to SBEC under Tex. Educ. Code § 21.006(b);
  - (f) Maintaining a culture of indifference to the safety and well-being of students with respect to sexual abuse by employees.
134. As a direct and proximate result of Defendants' violations of J.E.'s constitutional rights, J.E. has suffered severe physical, emotional, and psychological injuries, including but not limited to sexual assault, trauma, anxiety, depression, post-traumatic stress, and loss of educational opportunities.

135. Plaintiffs are entitled to recover compensatory damages under 42 U.S.C. § 1983, including damages for emotional distress, mental anguish, pain and suffering, dignitary harm, and all other damages available under § 1983.
136. Plaintiffs are further entitled to recover reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

### COUNT III

#### 42 U.S.C. § 1983 – FOURTEENTH AMENDMENT EQUAL PROTECTION

##### (Against All Defendants)

137. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.
138. The Equal Protection Clause of the Fourteenth Amendment protects individuals from intentional discrimination by state actors. U.S. Const. amend. XIV, § 1.
139. Defendant Childers, while acting under color of state law as an employee of AISD, violated J.E.'s right to equal protection by targeting him for sexual abuse and by acting under color of law for no reason other than Childers' own sexual gratification.
140. Sexual harassment and abuse by a state actor for purposes of sexual gratification constitutes a violation of the Equal Protection Clause. *See Fitzgerald v. Barnstable School Committee*, 555 U.S. 246, 258 (2009); *Doe v.*

*Beaumont Independent School District*, 615 F. Supp. 3d 471, 492-95 (E.D. Tex. 2022).

141. Defendant Childers is not entitled to qualified immunity on this claim. The right of a public school student to be free from sexual abuse by a state actor for purposes of sexual gratification was clearly established at the time of the conduct alleged herein, and no reasonable educator in Childers' position could have believed such conduct was constitutional.
142. Defendant AISD maintained policies, customs, and practices that were deliberately indifferent to the known risk of sexual harassment and abuse of students by employees.
143. As a direct and proximate result of Defendants' violations of J.E.'s constitutional rights, J.E. has suffered severe physical, emotional, and psychological injuries.
144. Plaintiffs are entitled to recover compensatory damages under 42 U.S.C. § 1983, including damages for emotional distress.
145. Plaintiffs are further entitled to recover reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

#### **COUNT IV**

##### **42 U.S.C. § 1983 – MONELL MUNICIPAL LIABILITY**

##### **(Failure to Train, Supervise, and Implement Adequate Policies)**

##### **(Against Defendant AISD Only)**

146. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.
147. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), a municipality or local governmental entity may be held liable under § 1983 when a constitutional violation is caused by (1) an official policy, (2) promulgated by a municipal policymaker, that was (3) the “moving force” behind the violation of a constitutional right.
148. AISD is a local governmental entity subject to *Monell* liability for constitutional violations caused by its official policies, customs, or practices.

**Official Policy, Custom, or Practice**

149. There are three ways to establish *Monell’s* “policy” element: (1) written policy statements, ordinances, or regulations; (2) a widespread practice that is so common and well-settled as to constitute a custom that fairly represents municipal policy; or (3) a single decision by an official with final policymaking authority. *See Webb v. Town of St. Joseph*, 925 F.3d 209, 215 (5th Cir. 2019).
150. Plaintiffs allege that AISD maintained the following policies, customs, and practices that were the moving force behind the violation of J.E.’s constitutional rights:
- (a) A custom and practice of failing to take immediate protective action when reports of educator sexual abuse are received, as demonstrated by AISD’s complete failure to act for five days after the July 21, 2024 report;

- (b) A custom and practice of failing to adequately train employees—including supervisory employees like Don Hayes—to recognize, report, and respond to signs of grooming and sexual abuse of students;
- (c) A custom and practice of failing to adequately train employees on their mandatory reporting obligations under Texas law, including Tex. Fam. Code § 261.101 and Tex. Educ. Code § 21.006(b);
- (d) A custom and practice of failing to train supervisors to take appropriate action when they suspect inappropriate conduct, including reporting suspicions even when a student denies abuse;
- (e) A custom and practice of inadequate supervision of employees that allows predatory conduct to continue undetected;
- (f) A custom and practice of failing to properly screen employees for prior misconduct at other school districts;
- (g) A de facto policy decision by AISD officials with final policymaking authority to take no action in response to the July 21, 2024 report of sexual abuse.

### **Policymaker**

151. AISD’s Board of Trustees is the final policymaking authority for the District. The Superintendent, as the chief executive officer of the District, has delegated policymaking authority over personnel matters, student safety, and the implementation of policies and procedures.

152. The AISD Police Department, as a law enforcement agency operated by AISD, has authority delegated by the Board and Superintendent to investigate crimes, implement protective measures, and coordinate with campus administrators to ensure student safety. The Chief of AISD Police is a final policymaking authority with respect to the operations and decisions of the AISD Police Department.
153. The decision to take no protective action after receiving the July 21, 2024 report was made and/or ratified by officials with final policymaking authority over student safety and personnel matters within AISD, including Officer Lang and the Chief of AISD Police, Principal Henry of LBJ Early College High School, the AISD Title IX Coordinator, and/or the Superintendent or his designee.

**Moving Force – Deliberate Indifference**

154. A policy may be shown to be the “moving force” behind a constitutional injury when it was adopted with “deliberate indifference to the known or obvious fact that such constitutional violations would result.” *Webb*, 925 F.3d at 221.
155. AISD’s policies, customs, and practices were adopted and maintained with deliberate indifference to the known and obvious risk that students would be sexually abused by employees. The risk of educator sexual abuse of students is well-documented and widely known. School districts throughout Texas and the nation have been sued—and have paid substantial judgments and settlements—for failing to protect students from such abuse.

156. The Fifth Circuit has recognized that “school boards that adopt a head-in-the-sand policy would be foolish indeed, morality aside, because they would encounter other problems, such as the threat of liability under 42 U.S.C. § 1983.” *Rosa H. v. San Elizario Independent School District*, 106 F.3d 648, 658 (5th Cir. 1997).

157. AISD was on notice of the need to protect students from educator sexual abuse through multiple sources:

- Federal law (Title IX) and Department of Education guidance requiring prompt response to reports of sexual harassment
- Texas mandatory reporting statutes (Tex. Fam. Code § 261.101; Tex. Educ. Code § 21.006)
- AISD’s own written policies prohibiting sexual harassment and abuse
- Widespread media coverage and litigation involving educator sexual abuse throughout Texas
- Don Hayes’ spring 2024 inquiry, which demonstrated that signs of abuse were visible to staff
- The July 21, 2024 report to AISD Police, which provided direct actual notice of ongoing abuse

158. Despite this notice, AISD maintained policies, customs, and practices that were deliberately indifferent to the risk of sexual abuse. After receiving the

July 21, 2024 report of ongoing sexual abuse, AISD took no action whatsoever—allowing Childers to sexually assault J.E. again on July 26, 2024.

159. The uniform failure of every AISD official who received notice, including Officer Lang, Principal Henry, and Don Hayes, to take any protective action whatsoever demonstrates that AISD maintained a de facto policy of non-response to reports of educator sexual abuse. This policy was the moving force behind the July 26, 2024 assault.

### **Failure to Train**

160. A municipality’s failure to train its employees may constitute an official policy for *Monell* purposes when “the failure to train amounts to deliberate indifference to the rights of persons with whom the [employees] come into contact.” *City of Canton v. Harris*, 489 U.S. 378, 388 (1989).
161. AISD’s failure to adequately train its employees to recognize, report, and respond to signs of grooming and sexual abuse constitutes deliberate indifference because:
- (a) The need for training was obvious—sexual abuse of students by educators is a well-documented risk that school districts must address;
  - (b) AISD employees, including supervisory employees like Don Hayes, were placed in situations where they encountered signs of abuse but did not know how to properly respond;
  - (c) The failure to train was so likely to result in constitutional violations that it can fairly be said to represent AISD’s policy.

162. Don Hayes' failure to take any action after directly questioning J.E. about inappropriate conduct demonstrates AISD's inadequate training. A properly trained supervisor would have known that:

- Victims of grooming often deny abuse due to shame, fear, or psychological manipulation
- A student's denial does not eliminate the obligation to report and investigate
- Texas law requires mandatory reporting of suspected abuse, regardless of the student's response
- Appropriate action includes documenting concerns, reporting to administration, notifying parents, and requesting an investigation

163. Hayes took none of these steps because AISD failed to train him to do so.

#### **Causation**

164. AISD's policies, customs, and practices—including its failure to train employees and its failure to take any protective action after the July 21, 2024 report—were the moving force behind the violation of J.E.'s constitutional rights.

165. But for AISD's deliberate indifference:

- Don Hayes would have properly reported his suspicions in spring 2024, and the abuse could have been stopped months earlier;

- AISD would have taken immediate protective action after the July 21, 2024 report, and the July 26, 2024 assault would not have occurred;
- J.E. would not have suffered the constitutional deprivations and injuries alleged herein.

166. Plaintiffs are entitled to recover compensatory damages against AISD under 42 U.S.C. § 1983 for the constitutional violations caused by AISD’s policies, customs, and practices.
167. Plaintiffs are further entitled to recover reasonable attorney’s fees and costs pursuant to 42 U.S.C. § 1988.

#### **COUNT V**

#### **SECTION 504 OF THE REHABILITATION ACT OF 1973 29 U.S.C. § 794 (Against Defendant AISD Only)**

168. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.
169. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), provides that “[n]o otherwise qualified individual with a disability . . . 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.”
170. AISD is a recipient of federal financial assistance and is therefore subject to Section 504.

171. J.E. is an “individual with a disability” within the meaning of Section 504. J.E. has been diagnosed with PTSD, psychosis, and schizoaffective disorder, each of which substantially limits one or more of J.E.’s major life activities, including learning, concentrating, thinking, communicating, sleeping, and caring for himself. AISD itself acknowledged J.E.’s disability when it determined on October 10, 2024 that J.E. qualified for protections and services under Section 504 based on PTSD.
172. J.E. was at all relevant times a qualified individual with a disability under Section 504. He met all of AISD’s essential eligibility requirements for participation in its educational programs and services.
173. AISD denied J.E. the benefits of, and discriminated against J.E. with respect to, AISD’s educational programs and services on the basis of his disability by, among other things:
- (a) Failing to provide J.E. with a Free Appropriate Public Education;
  - (b) Failing to provide J.E. with a safe and non-hostile educational environment;
  - (c) Failing to consistently or effectively implement the accommodations identified in J.E.’s Section 504 Plan;
  - (d) Failing to evaluate J.E. in all suspected areas of disability, despite clear indicators that J.E.’s needs exceeded the scope of a Section 504 Plan;

- (e) Failing to satisfy AISD's Child Find obligations under 20 U.S.C. § 1412(a)(3) and 34 C.F.R. § 300.111;
- (f) Failing to provide appropriate transition services prior to J.E.'s graduation in Spring 2025; and
- (g) Treating J.E. differently than non-disabled students with respect to access to education and supportive services.

174. AISD's denials of services and acts of discrimination occurred with deliberate indifference to J.E.'s federally protected rights. AISD had actual knowledge of J.E.'s disability and his need for accommodations and supports, yet failed to provide reasonable accommodations and failed to enforce the accommodations to which it had agreed.

175. As a direct and proximate result of AISD's violations of Section 504, J.E. has suffered injuries and damages including, among other things, loss of educational opportunity, academic decline, severe regression following graduation, inability to access postsecondary education, and additional damages recoverable under Section 504.

176. Plaintiffs are entitled to recover compensatory damages under Section 504, as well as reasonable attorney's fees and costs pursuant to 29 U.S.C. § 794a.

## **COUNT VI**

### **AMERICANS WITH DISABILITIES ACT, TITLE II 42 U.S.C. § 12131 et seq. (Against Defendant AISD Only)**

177. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.
178. Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, 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.”
179. AISD is a “public entity” within the meaning of 42 U.S.C. § 12131(1).
180. J.E. is a “qualified individual with a disability” within the meaning of 42 U.S.C. § 12131(2). He met all of AISD’s essential eligibility requirements for participation in its educational programs and services notwithstanding his disability.
181. AISD denied J.E. the benefits of, excluded J.E. from participation in, and discriminated against J.E. with respect to AISD’s educational programs and services by reason of his disability, including by failing to make reasonable accommodations and modifications to its policies, practices, and procedures so that J.E. could meaningfully access AISD’s educational programs and benefit from them.
182. AISD’s denials of services and acts of discrimination occurred with deliberate indifference to J.E.’s federally protected rights.

183. As a direct and proximate result of AISD's violations of Title II of the ADA, J.E. has suffered the injuries and damages described above and herein.
184. Plaintiffs are entitled to recover compensatory damages under Title II of the ADA, as well as reasonable attorney's fees and costs pursuant to 42 U.S.C. § 12205.

## VII. DAMAGES

185. As a direct and proximate result of Defendants' wrongful conduct as alleged herein, Plaintiff J.E. has suffered, and will continue to suffer, the following injuries and damages:
- (a) Physical and bodily injury resulting from sexual assault;
  - (b) Severe emotional trauma, mental anguish, anxiety, depression, post-traumatic stress, and psychological injury;
  - (c) Past and future medical expenses, including therapy and counseling;
  - (d) Loss of educational opportunities and benefits;
  - (e) Pain and suffering, past and future;
  - (f) Dignitary harm and humiliation;
  - (g) Loss of enjoyment of life;
  - (h) All other damages recoverable under law.
186. The abuse J.E. suffered has caused him severe and lasting harm. He was sexually assaulted multiple times by a trusted teacher—a person in a position

of authority who was supposed to protect him. The psychological trauma of such abuse, particularly when perpetrated by a trusted authority figure who cultivated a “father figure” relationship with the victim, is well-documented and severe.

187. Plaintiff Naomi Edwards, as J.E.’s parent and next friend, is entitled to recover medical expenses, therapy costs, and out-of-pocket expenses incurred on J.E.’s behalf during his minority.
188. Pursuant to 42 U.S.C. § 1988, prevailing parties in § 1983 and Title IX cases are entitled to recover reasonable attorney’s fees and costs. The Supreme Court has held that attorney’s fee awards under § 1988 are not required to be proportionate to the amount of damages recovered and can substantially exceed the damages award. *See City of Riverside v. Rivera*, 477 U.S. 561 (1986). Plaintiffs seek recovery of all attorney’s fees and costs associated with this litigation.
189. Plaintiffs seek **punitive damages against Defendant Childers in his individual capacity**. Punitive damages are appropriate under § 1983 when a defendant’s conduct demonstrates evil motive, intent, or reckless and callous indifference to federally protected rights. *Smith v. Wade*, 461 U.S. 30 (1983). Childers’ deliberate, repeated sexual abuse of a minor student entrusted to his care—abuse that Childers knew was criminal and that he attempted to conceal—demonstrates exactly such conduct warranting punitive damages.

190. All conditions precedent to bringing this lawsuit have been satisfied, have been performed, or have been waived.

### **VIII. JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs demand a trial by jury on all issues so triable.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs NAOMI EDWARDS, Individually and as Next Friend of J.E., respectfully pray that upon final trial of this matter:

1. Plaintiffs recover compensatory damages against all Defendants, jointly and severally, in an amount to be determined by the jury;
2. Plaintiffs recover punitive damages against Defendant Childers in an amount sufficient to punish and deter similar conduct;
3. Plaintiffs recover reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988;
4. Plaintiffs recover pre-judgment and post-judgment interest at the highest lawful rate;
5. Plaintiffs recover such other and further relief as the Court deems just and proper.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
NAOMI EDWARDS, Individually and as Next Friend of J.E., a Minor
(b) County of Residence of First Listed Plaintiff Travis
(c) Attorneys (Firm Name, Address, and Telephone Number) SMITH AND VINSON LAW FIRM, PLLC /s/ Jarrod Smith Jarrod I. Smith

DEFENDANTS
AUSTIN INDEPENDENT SCHOOL DISTRICT, and RODNEY CHILDERS,
County of Residence of First Listed Defendant Travis
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 1983
Brief description of cause: Title IX and 1983 Monell

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 06-25-26 SIGNATURE OF ATTORNEY OF RECORD Jarrod Smith Digitally signed by Jarrod Smith Date: 2026.06.26 00:03:06 -0500

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
Original Proceedings. (1) Cases which originate in the United States district courts.  
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.