

**IN THE CHANCERY COURT OF LEE COUNTY, MISSISSIPPI**

**J.T., A MINOR,  
BY AND THROUGH  
HIS NEXT FRIEND AND MOTHER K.M.**

**PLAINTIFFS**

**VS.**

**CAUSE #**

**THE LEE COUNTY  
SCHOOL DISTRICT, SUPERINTENDENT  
JIMMY WEEKS, LEE BRUCE, PRINCIPAL  
OF MOOREVILLE HIGH SCHOOL,  
SHERRY MASK, LEE COUNTY SCHOOL  
BOARD PRESIDENT, MIKE MITCHELL,  
LEE COUNTY SCHOOL BOARD VICE PRESIDENT,  
MARY EDWARDS, LEE COUNTY SCHOOL  
BOARD SECRETARY, RONNIE BELL LEE COUNTY  
SCHOOL BOARD MEMBER, HAL SWANN, LEE COUNTY  
SCHOOL BOARD MEMBER**

**DEFENDANTS**

**COMBINED COMPLAINT AND APPEAL SEEKING DECLARATORY,  
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF, EQUITABLE REMEDIAL  
RELIEF, AND REASONABLE ATTORNEY'S FEES AND COSTS.**

COME NOW the Plaintiffs, through counsel, and for this their Appeal and Complaint Seeking Declaratory, Injunctive, and Remedial Relief, would show this Court the following, to-wit:

**INTRODUCTION**

This action is a combined Complaint and Appeal from a decision of the Lee County School Board dated September 8, 2015 which was reconsidered and finalized on September 29, 2015. Ex. 1a & b. This Action seeks temporary and permanent injunctive, declaratory and remedial relief regarding the ongoing irreparable injury to J.T. consisting of his suspension/alternative school referral , his placement upon "probation," the corollary and

ongoing deprivation of his fundamental right to an education in compliance with the laws and requirements of the State of Mississippi, and the unfounded libel of his good name and reputation, all due to the customs, policies, practices and procedures of the Lee County School District which precipitated the aforesaid matters complained of without due process of law.

Accordingly, as set forth in more detail herein, Plaintiffs seek that Defendants be enjoined to immediately allow J.T. back in school, reverse the discipline imposed upon him and complained of herein, provide J.T. remedial education and testing to compensate for the days, instruction, laboratory experience and tests missed, as well as credit for said days, that Defendants be enjoined to immediately correct and expunge the false and defamatory entries in Plaintiff's educational record, and – further – that the school be ordered to develop and promulgate disciplinary policies and procedures, including a standard of proof, written notice of administrative procedures, and hearing procedures which comply with federal and Mississippi due process requirements, and that the school be further enjoined to bring its alternative school into compliance with Mississippi state law and Mississippi Department of Education Regulations.

Because the matters complained of are ongoing, and presently impact and will continue to impact J.T. and his fellow students in the future unless corrected, Plaintiffs also seek declaratory relief under Rule 57 of the Mississippi Rules of Civil Procedure declaring that Defendants' practices, policies, and procedures which do not employ or set forth a standard of proof, or - indeed - require any findings of fact, and which prohibit students from calling witnesses or benefiting from the participation of counsel, as well as failing to ensure notice of charges, evidence, and prospective witnesses before making disciplinary findings substantially affecting their reputation, and/or depriving them of their right to an education in accordance with

Mississippi law for a period in excess of ten (10) days, do not accord students procedural due process. Similarly, Plaintiffs also seek a declaratory judgment that the alternative school, as presently operated, is not in compliance with Mississippi statutes or regulations and denies students assigned to it their fundamental right to an education that is equal to the education provided in the general education setting.

Plaintiffs have presented all the matters complained of herein to the Lee County Superintendent and, subsequently on October 13, 2015, the Lee County School Board, however Defendants have declined to correct their policies and behaviors as complained of herein.

Plaintiffs also request costs, reasonable attorney's fees, and such further or other relief to which they may be entitled under the premises.

#### **PARTIES**

- 1) Plaintiff J.T. is a minor black male, born June 6, 1999, currently in 10th grade in Mooreville High School, and who resides with his mother at 987 Road 1310, Mooreville, MS.
- 2) Plaintiff K.M., mother of J.T., is an adult resident citizen of Lee County residing at 987 Road 1310, Mooreville, MS.
- 3) Defendant Lee County School District is a local political subdivision of the State of Mississippi. Service of Process may be had upon its Superintendent Jimmy Weeks, who may be served with process at the District Office located at 1280 College View Drive, Tupelo, MS.
- 4) Defendant Superintendent Jimmy Weeks, who may be served with process at District Office located at 1280 College View Drive, Tupelo, MS.

- 5) Defendant Lee Bruce, Principal of Mooreville High School, may be served at his office at the school located at 115 Road 1429, Mooreville, MS.
- 6) Defendant Sherry Mask, Lee County School Board President, may be served with process at the District Office located at 1280 College View Drive, Tupelo, MS.
- 7) Defendant, Mike Mitchell, Lee County School Board Vice President may be served at District Office located at 1280 College View Drive, Tupelo, MS.
- 8) Defendant, Mary Edwards Lee Count School Board Secretary, may be served at District Office located at 1280 College View Drive, Tupelo, MS.
- 9) Defendant Ronnie Bell Lee County School Board Member may be served at the District Office located at 1280 College View Drive, Tupelo, MS.
- 10) Defendant Hal Swann, Lee County School Board member, may be served at the District Office located at 1280 College View Drive, Tupelo, MS.

### **JURISDICTION**

11) This Court has jurisdiction over the instant matter as it concerns minor's business and seeks equitable relief.

### **FACTS**

12) Plaintiff J.T. is 16 years of age. He is currently in tenth (10<sup>th</sup>) grade and a member of the Mooreville High School Football Team. Prior to the matters complained of herein he had a clean and exemplary disciplinary record.

13) On August 28th, 2015 in accordance with his and his teammates prior and previously uncomplained of practice, J.T. was seated in the Team Bus prior to transport to an away game with two other teammates.

14) Shortly thereafter a school administrator climbed on the bus and observed "visible smoke and the smell of marijuana." Disciplinary Referral of August 28, 2015 Ex. 2. Police were called but no marijuana was found then or ever. Lee County Sherriff Department Offense Form August 28,15 Ex.3.

15) At this juncture J.T. and his two teammates were questioned. Despite the fact that the white teammate admitted to being responsible for the smoke and smell of marijuana and to consuming same, J.T. was nonetheless immediately suspended.

16) On August 31, 2015, a Discipline Hearing Request was executed stating the rule violation was "in unauthorized area-possible drug use". Large portions of the form were left blank including previous discipline methods, whether alternative school placement would be appropriate, and no counselor's signature, despite there being space for the signature. Disciplinary Hearing Request August 31, 2015 Ex. 4. That same day, as already referenced, J.T. was also written a Disciplinary Referral for being "On the bus without permission - visible smoke and smell of marijuana on bus." Said Referral made no recommendations as to discipline. Disciplinary Referral of August 31, 2015 Ex.2.

17) Further, that same day, despite the fact that no marijuana had been found on his person, Plaintiff was identified and reported to the "State" as having committed the infraction of "Drug Possession." Ex.5 Said alleged infraction was untrue and was known to be untrue by Defendant Bruce who had that same day filed the above referenced two separate discipline reports concerning Plaintiff, neither of which alleged "Drug Possession," and this untrue assertion in consequence was made part of Plaintiff's discipline record as well as being published to unknown third parties' associated with the State, as well as made available to present and

future teachers, the school administrative staff, and - also - potential colleges, employers, and potential employers, both civil and governmental.

18) Moreover, from that day to the present not one single civil, criminal, or administrative adjudicatory body has entered any finding of fact that Plaintiff was even suspected of drug possession far less found to have committed same.

19) Plaintiffs were advised by letter of August 31, 2015, that a discipline hearing regarding "an incident in which your son was involved will take place on September 3rd, 2015 at 9:30 a.m." Said letter contained no enclosures, failed to describe the incident, the date of the incident, the violations to be considered at such hearing, any evidence in support of the violations, any proposed witnesses, or any potential consequences. Bruce Letter of 8/31/2015  
Ex. 6

20 Said letter did reference pages 18-19 of the student handbook which advised Plaintiffs that only they and school officials could attend the hearing. That while they could retain an attorney he or she would not be allowed to participate. Said handbook does not include student witnesses as being allowed to attend the hearing. Student Handbook. Pages 18-19. Ex.7. These Handbook pages restate Board Policy JD. Ex. 8

21) The Committee conducted a hearing on 9/3/2015 and, despite making no findings of fact, decided to impose 45 days of alternative school, prohibition against being on campus or at any school event, 18 weeks probation, and no early release. LCS Disciplinary Committee Hearing Minutes. Ex.9.

22) Said Committee advised Plaintiffs they would reconsider their decision if Plaintiffs furnished them with a clean drug screen which Plaintiffs subsequently did. Family Care Medical

Clinic Drug Screen, Ex. 10. Nevertheless, Defendants failed to substantially alter Plaintiff's punishment, if at all, leaving him in Alternative School. Ex. 1, *supra*.

23) At all times pertinent the Lee County School District due process policy (JCAA Ex. 11) had no published standard of proof for fact finders at such hearings.

24) At all times pertinent the Mooreville High School Handbook and Board Policy JD and JCAA did not permit students to call witnesses, or to have an attorney participate in the disciplinary hearing.

25) At all times pertinent, as set forth above, it was and remains the Defendants' custom, practice, policy and procedure to conduct such disciplinary hearings without requiring a standard of proof for the District's allegations, without making findings of fact, without permitting students the effective assistance of counsel or the right to call supporting witnesses, and without providing the most minimal notice as to the date of the offense, the charges or evidence to be considered at the hearing, all of which, jointly and together unduly prejudiced Plaintiffs.

26) It is expressly contended that Defendants' actions complained of herein and each of them were at all times knowingly and intentionally taken in their official capacity, and conducted under color of law, in conformance with Defendants' customs, policies, practices and procedures, and - further - that said actions and complained of decisions were arbitrary and capricious, not based on substantial evidence, and violated J.T.'s constitutional rights as more specifically set forth below. All matters complained of herein have been presented to Defendants at their October 13, 2015, Board Meeting without success and administrative remedies exhausted.

### **COUNT ONE**

27) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

28) Upon information and belief Defendants policies and procedures do not provide for a standard of proof in disciplinary hearings, and neither the Disciplinary Review Committee nor the School Board Hearing employed an established standard of proof in reaching their decision. This failure, as a matter of custom, policy, procedure and practice, unduly prejudiced and deprived Plaintiffs of that procedural due process required under Mississippi Constitution Article 3, Section 14, and the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution, and as protected by 42 U.S.C. Section 1983, and - in addition - said failure operated to deprive J.T. of his fundamental right, entitlement and property interest to a quality education as prescribed by the laws and statutes of the State of Mississippi including but not limited to Miss. Code Section 37-1-2, Article VIII, Section 201 of the Mississippi Constitution, and as protected and secured by the aforesaid 5th and 14th Amendments.

## **COUNT TWO**

29) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

30) Defendants' prohibition against Plaintiffs bringing witnesses to testify at the hearing was done as a matter of custom, policy, procedure and practice, and unduly prejudiced and deprived Plaintiffs of that due process required by Mississippi Constitution Article 3, Section 14, and the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution, as protected by 42 U.S.C. Section 1983 and - in addition - said failure operated to deprive J.T. of his fundamental right, entitlement and property interest to a quality education as prescribed by the laws and statutes of the State of Mississippi including but not limited to Miss. Code Section 37-1-2, Article VIII Section 201 of the Mississippi Constitution , and as protected and secured by the aforesaid 5th and 14th Amendments.



### **COUNT THREE**

31) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

32) The Defendant's prohibition of counsel from actively participating in the hearing deprived Plaintiffs of the effective assistance of counsel as a matter of custom, policy, procedure and practice, unduly prejudiced and deprived Plaintiffs of that due process required by Mississippi Constitution Article 3, Section 14, and the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution, as protected by 42 U.S.C. Section 1983, and - in addition - said failure operated to deprive J.T. of his fundamental right, entitlement, and property interest to a quality education as prescribed by the laws and statutes of the State of Mississippi including but not limited to Miss. Code Section 37-1-2, Article VIII Section 201 of the Mississippi Constitution, and as protected and secured by the aforesaid 5<sup>th</sup> and 14<sup>th</sup> Amendments.

### **COUNT FOUR**

33) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

34) Defendants custom, policy, practice and procedure of failing to provide the date of the alleged offense, the charges, or a description of the evidence, unduly prejudiced and deprived Plaintiffs of procedural due process under Mississippi Constitution Article 3, Section 14, and the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution, and 42 U.S.C. Section 1983, and - in addition - said failure operated to deprive J.T. of his fundamental right, entitlement and property interest to a quality education as prescribed by the laws and statutes of the State of Mississippi including but not limited to Miss. Code Section 37-1-2, Article VIII

Section 201 of the Mississippi Constitution, and as protected and secured by the aforesaid 5th and 14th Amendments.

## COUNT FIVE

35) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

36) Miss. Code Section 37-13-92 provides in pertinent part that: [T]he school boards of all schools districts shall establish, maintain and operate...an alternative school program for....a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct.”

37) Said statute further provides that:

(2) The principal or program administrator of any such alternative school program **shall** require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district **must** determine that the written and distributed disciplinary policy of the local district is being followed. The policy **shall** include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's **individual instruction plan** and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) **The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process,** as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(4) A school district, in its discretion, may provide a program of High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the Mississippi Community College Board. The school district may administer the High School Equivalency Diploma Testing Program under the policies and guidelines of the Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section **shall meet all appropriate accreditation requirements of the State Department of Education.**"

*Miss. Code Ann. § 37-13-92 (Emphasis supplied)*

38) As set forth above the Superintendent failed to assure that the written and distributed disciplinary policy of the district was being followed as required by law in that J.T. was never alleged to have committed any infraction of any published disciplinary requirement and was never given the notice required by the school disciplinary policy prior to his hearing all in violation of Miss. Code Ann. section 37-13-92.

39) Further, the disciplinary policy of progressive discipline was not followed in that no recourse was taken allowing for graduated or escalated punishments such as detention, in school suspension, out of school suspension, Saturday School, or corporal punishment prior to transfer to alternative school all in violation of the School discipline ladder as set forth in the School Handbook and Policy JD. Exhibits 3 and 8, respectively, again all in violation of Miss. Code Ann. section 37-13-92.

40) Further, upon information and belief no adequate individual instruction plan or evaluation of same was developed or conducted for Plaintiff either at the time of referral or to the present day, nor has any such plan been provided Plaintiff or his mother, nor was the school

counselor consulted regarding the appropriateness of the alternative school referral, again all in violation of Miss. Code Ann. section 37-13-92, and apparent on the face of the record before this Court and the tribunal below.

41) Further, J.T. is not being given instruction in any of his current alternative school classes, simply a textbook and work assignment. In this connection he is also being denied access to a laboratory, despite the fact that completion of laboratory assignments are a requirement for Introduction to Biology. In this connection it is further contended on information and belief that J.T.'s instructors are not qualified in that they have been unable to answer any of his questions regarding the coursework posed to them by J.T., again all in violation of Miss. Code Ann. section 37-13-92.

42) Further said alternative school program violates MDE S.B. 901 *Alternative Education Guidelines* for the above reasons and numerous others, including but not limited to the fact that the District does not "follow... written procedures which meet the federal guidelines outlined in Goss v. Lopez due process requirements." *Id Par...1*; nor does the curriculum and instructional methodology address the needs of students through an Individual Instructional Plan which emphasizes academic performance, behavior modification, functional skills, and career education," *Id Par 3*; nor are the facilities commensurate with facilities provided to other students by the local school district (i.e. no science laboratory); *Id Par. 7*.

43) In addition, J.T., a first string athlete is being denied the opportunity to participate in football, basketball and track. A fact that has long term consequences, including not being scouted by colleges and universities, thereby reducing his chances of receiving scholarship offers.

44) In consequence J.T. is being denied his fundamental right to an education under Mississippi law, without due process of law, in violation of Mississippi Constitution Article 3, Section 14, and the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution, as protected 42 U.S.C. Section 1983 and - in addition - said failure operates to deprive J.T. of his fundamental right, entitlement and property interest to a quality education as prescribed by the laws and statutes of the State of Mississippi including but not limited to Miss. Code Section 37-1-2 and 37-13-92, and MDE S.B. 901, Article VIII, Section 201 of the Mississippi Constitution, and as protected and by the aforesaid 5th and 14th Amendments.

### **COUNT SIX**

45) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

46) Plaintiffs would additionally show that upon information and belief J.T. was given the identical - and therefore disproportionate - punishment as his white team mate who admitted to smoking marijuana, even though there has never been a finding by any criminal, civil or administrative tribunal that J.T. consumed or possessed marijuana, and even though J.T. denied smoking marijuana and - additionally - submitted a negative drug test to the Defendants.

47) Such disproportionate punishment was done with discriminatory intent and intentionally imposed and continued despite repeated appeal and presentation of a negative drug screen with discriminatory intent and thus constituted and constitutes a violation of 42 U.S.C. Section 1981 which provides in pertinent part that "All persons....shall have the same right to ....to the full and equal benefit of all laws and proceedings....as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties....of every kind."

48) Such discriminatory and disproportionate punishment is also reflected in the Lee County Schools statistically disproportionate suspension and punishment of black students as compared to white students. Ex. 12.

### **COUNT SEVEN**

49) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

50) As set forth above the reporting and publication to third parties outside Defendant Lee County School District by Defendant Lee Bruce of J.T. as having committed the infraction of "drug possession" despite no such allegation having been made prior to that by any person, including Defendant Bruce himself, and no such finding having been made by any civil, criminal, or administrative body, was knowing, intentional, defamatory, libelous *per se*, made in bad faith and with ill will, and has deprived J.T. of his liberty and property right in his reputation without due process of law, the loss of which is now part of his disciplinary record and available for inspection by future colleges, state and federal employers, and can and may affect security clearances, scholarship offers, licensure eligibility, and job opportunities in the future unless and until ordered corrected and expunged by this Honorable Court.

### **COUNT EIGHT**

#### **(MOTION)**

51) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

52) As set forth above, Plaintiff J.T. remains subject to immediate, ongoing and irreparable injury, loss and damage represented by the deprivation of his fundamental right to an education, which deprivation accumulates daily, his opportunities as an athlete for personal and

ultimately professional advancement, and the ongoing defamation and deprivation of his good name and character, all without adequate remedy at law.

53) Accordingly Plaintiffs, pursuant to Rule 65 of the Mississippi Rules of Civil Procedure, seek a Temporary Restraining Order, Preliminary and - ultimately - a Permanent Injunction restraining Defendants from continuing J.T.'s assignment to alternative school and immediately restoring J.T. to his status prior to the complained of events including but not limited to attendance at regular classes at Mooreville High School, make-up instruction and laboratory assignments, and membership on the football team, and the correction and expungement of any entries in his disciplinary record referencing drug usage or possession.

54) Plaintiffs would show that there is a substantial likelihood that they will prevail on the merits; that such TRO/Injunction is necessary to prevent irreparable harm, that the ongoing and threatened injury to Plaintiff outweighs any harm to defendants, and the entry of the requested injunction is in the public interest.

WHEREFORE, premises considered, Plaintiff prays for a temporary, preliminary, and - ultimately - a permanent injunction immediately restoring him to general education setting at Mooreville High School and membership on the football team, and providing access to make up laboratory assignments and instruction as necessary, along with the additional relief requested in his Prayer below:

**COUNT NINE**

**(APPEAL)**

55) The preceding and following paragraphs are incorporated for all purposes as if fully set forth.

56) As set forth above there is no substantial evidence supporting the decision below which, indeed, makes no findings of fact.

57) Had findings of fact been made, given that Plaintiff presented a negative drug screen, the only possible finding would have been that he had committed no drug offense (neither possession nor use). Ex. 10.

58) Moreover, "possible drug use" is not an offense, nor is "visible smoke and smell of marijuana," nor does the student handbook speak to being in an "unauthorized area" as grounds for suspension, and, upon information and belief, no evidence was offered against Plaintiff being on the " bus without permission" and Plaintiff, a football player, was on the team bus prior to team transport, in accordance with long standing permitted practice, clearly not an unauthorized area.

59) For the same reasons, lack of substantial evidence, the decision below is arbitrary and capricious, particularly since it is the same punishment meted out to the child on the bus who admitted to drug use.

60) Further, as set forth above Plaintiff was denied his constitutional rights to due process and unduly prejudiced thereby in the above referenced Discipline Referral and Disciplinary Hearing Request reflect different charges, and the Disciplinary Hearing Request did not contain the required Counselor's approval, signature and recommendation, that the August 31, 2015, Notice of Hearing did not set forth the date of the incident, nor the "rule infraction or the charges against him/her," or "an explanation of the evidence," as required by Defendants' Due Process Policy JCAA, nor was he afforded the right to call witnesses, have an attorney present to participate in the hearing, or conduct cross-examination, or provided the fundamental



protection that the Defendants' decision be predicated upon an articulated standard of proof and a finding of fact or facts.

### **PRAYER**

**WHEREFORE PREMISES CONSIDERED**, Plaintiffs pray that this Court take jurisdiction and grant them the following relief:

I) Accept, docket, hear and grant Plaintiff a Temporary, Preliminary and Permanent injunction immediately removing him from alternative school and restoring him to general education setting at Mooreville High School and membership on the football team.

II) That upon hearing of this cause, the Court further enjoin Defendants to expunge the discipline imposed upon him and complained of herein, and to cause same to be corrected in whatever state or other educational databases to which it has been provided, to provide J.T. remedial education and the opportunity to retest for every test issued prior to providing him the aforesaid remedial education to compensate for the days, instruction, laboratory experience and tests missed, as well as credit for any days missed due to suspension, and the amendment of his grades to reflect the retest scores if necessary.

III) Further that Defendants' be enjoined to develop and promulgate disciplinary policies and procedures, including a standard of proof of "clear and convincing evidence," notice, and hearing procedures including notice of charges, evidence, witness names, and date and time of matters complained of, a right to have counsel participate, call witnesses, and also requiring findings of fact which comply with federal and Mississippi due process requirements, within thirty (30) days and that said procedures be submitted to Plaintiff for comment and the Court for approval.

IV) That Defendants be further enjoined to bring its alternative school into compliance with Mississippi state law and Mississippi Department of Education Regulations regarding substance of classes, adequacy of teachers, referral requirements, and development and provision of an Individual Instruction Plan as required by law.

V) Further, that this Court issue a declaratory judgment to the effect that the practices and procedures complained of herein, to-wit the lack of a standard of proof, adequate notice, denial of right to counsel, denial of right to call witnesses, and lack of factual findings all in connection with the deprivation of Plaintiff's right to an education in excess of ten (10) days and good name and reputation violate the constitutional guarantees of due process of law and have deprived Plaintiff of same due process of law.

VI) Further, that this Court issue a declaratory judgment that the failure to provide Plaintiff an IIE, as well as instruction, and access to laboratories violates Mississippi law including but not limited to Miss. Code Ann. section 37-13-92 and MDE S.B.901.

VII) That the disciplinary decision below be reversed and rendered.

VII) Plaintiffs request nominal damages as deemed necessary by the Court.

VIII) Plaintiffs also request costs and reasonable attorney's fees.

IX) Plaintiffs pray for such further or other relief to which they may be entitled under the premises.

Respectfully submitted,  
J.T. and K.M.

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