

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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N.S., *by and through her parent and natural guardian*,  
KATHERINE JEFFREY,

Plaintiff,

– against –

**COMPLAINT  
AND JURY DEMAND**

NEW YORK CITY DEPARTMENT OF  
EDUCATION; the CITY OF NEW YORK; and  
MELISSA AVILES-RAMOS, in her official capacity  
as Chancellor of the New York City Department of  
Education,

Defendants.

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Plaintiff N.S. (“Plaintiff”), by and through her undersigned attorneys, as and for her complaint against Defendants New York City Department of Education (“NYC DOE” or “DOE”), the City of New York (“City”), and Melissa Aviles-Ramos (“Aviles-Ramos”, and together with NYC DOE and the City, “Defendants”), alleges the following:

**PRELIMINARY STATEMENT**

1. This lawsuit seeks remedies for Defendants’ callous indifference to the shocking unlawful harassment and discrimination that Plaintiff, a then-pregnant fourteen-year-old girl, suffered during her eighth grade year at Middle School / Public School 29 (“M.S./P.S. 29”).
2. Plaintiff, a diligent, engaged, and eager student, began the 2023-2024 school year proud of having earned a placement in advanced Algebra and excited for her studies in Korean.
3. When Plaintiff discovered she had become pregnant just months into the year, she looked forward to continuing her studies and expected support and understanding from administrators and teachers. Due to nausea and other physical symptoms related to her pregnancy, Plaintiff requested minor modifications from school administrators to continue with

her studies, such as bathroom breaks and access to food and water in class. Plaintiff also asked that administrators and teachers keep her pregnancy private from her classmates, given her reasonable fear of the stigma, harassment, and bullying that such a condition could invite in a middle school environment.

4. Unfortunately for Plaintiff, her reasonable requests were ignored, leading to a hostile educational environment in which Plaintiff was bullied and harassed (by students, teachers, and administrators alike), and depriving Plaintiff of her right to an education.

5. Plaintiff faced indiscrete and embarrassing questions about her pregnancy from teachers at school, often in front of Plaintiff's peers, prompting further harassment and bullying about her pregnancy from fellow students. When Plaintiff raised concerns to administrators about such harassing conduct, she was met with indifference and further harassment.

6. Appallingly, in response to Plaintiff's complaint of harassing conduct in which a student made light of Plaintiff's pregnancy and asked her to perform sexual favors, the administrator wrote back to Plaintiff, "Ha! Ha! My family and I are still laughing about [the harasser's] strange and random comment." On another occasion, when Plaintiff reported to a school staff member that a student harassed her by trying to lift up her shirt to expose her pregnancy, the staff member told Plaintiff to simply respond to the harasser by telling him that he is not the father.

7. Making matters worse, Plaintiff's requests for necessary pregnancy-related modifications during her time attending in-person classes were either ignored by the administration or denied by Plaintiff's teachers, causing Plaintiff to feel further alienated and uncomfortable in her classroom. On one occasion, Plaintiff had her food forcibly taken from her desk in front of other students. On another occasion, Plaintiff was denied her request to use the

bathroom. Though Plaintiff told her teachers that a school administrator had granted her these modifications, she was still denied them.

8. Despite Plaintiff's numerous appeals to the DOE's Title IX Coordinator and the administration at M.S./P.S. 29 regarding this harassment and her need for modifications for her pregnancy, almost no action was taken on Plaintiff's behalf. The Title IX Coordinator simply referred Plaintiff back to her school administration to handle Plaintiff's mounting concerns. The school administration remained unresponsive for weeks, responding only when Plaintiff informed them that she was being placed on medically-necessary bedrest, such that she could no longer attend in-person classes.

9. During an initial meeting to discuss Plaintiff's need for pregnancy-related modifications and protections against harassment, which took place more than one month after Plaintiff first disclosed her pregnancy and requested modifications, M.S./P.S. 29 administrators offered, then revoked, a modification that would have allowed Plaintiff to continue her classes via a virtual classroom program. Instead, Plaintiff was required to enroll in the DOE's Medically Necessary Home Instruction Program ("Home Instruction Program"), a program that did not offer advanced Algebra or Korean that she could have taken through M.S./P.S. 29's virtual classroom.

10. The school administration declined to answer Plaintiff's repeated inquiries about why her original modifications had been revoked, delaying her enrollment into the Home Instruction Program by several weeks. During the period when Plaintiff was first placed on bedrest and when her enrollment in the Home Instruction Program was not yet finalized, Plaintiff received little to no instruction in any of her courses, as her teachers either forgot to turn on the

virtual classroom function or the virtual classroom access was blocked. Moreover, despite Plaintiff's requests, some of her teachers did not post assignments to Google Classroom.

11. Once enrolled, the Home Instruction Program was fraught with technical difficulties and quality issues, predominantly caused by the school administration's failure to communicate course instruction requirements and assignments to the home instruction teachers. These issues persisted for the duration of the program.

12. As a consequence of this indifference and inaction by administrators and teachers at M.S./P.S. 29, Plaintiff was excluded from her classroom environment, both in-person and virtually, on the basis of her pregnancy.

13. Defendants' treatment of Plaintiff is not unique; rather, it is part of a pattern and practice of Defendants failing to ensure that their teachers and administrators are properly equipped to fulfill their legal obligations to pregnant students.

14. As a result of Defendants' actions, not only did Plaintiff fall behind in her studies, but she also suffered severe emotional distress as a result of this misconduct, effects that she continues to feel to this day. She now seeks to hold Defendants liable for this misconduct under federal, state, and municipal law.

### **JURISDICTION AND VENUE**

15. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331. Supplemental jurisdiction over Plaintiff's New York State and New York City law claims is proper under 28 U.S.C. § 1367.

16. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because all of Plaintiff's claims arose in the Southern District of New York, Defendants administer public schools in this District, and Defendants' actions and omissions complained of occurred in this District.

## PARTIES

17. Plaintiff is a fifteen-year-old girl in the ninth grade. She resides in the Bronx with her mother, Katherine Jeffery, and is currently attending public high school in Manhattan. When Plaintiff was 14, and a student in the eighth grade, she attended M.S./P.S. 29, where she experienced the sex-based discrimination, specifically on the basis of her pregnancy, detailed herein.

18. Defendant NYC DOE is a department within the New York City government that manages the New York City School District, which is the largest school district in the United States. DOE maintains its principal place of business at 52 Chambers Street, New York, New York. DOE is responsible for administering New York City's approximately 1,840 public schools, which operate in all five boroughs of New York City and are attended by approximately 1.1 million New York City schoolchildren.

19. DOE issues regulations, called Chancellor's Regulations, pertaining to a variety of school administration and operation matters, including gender-based harassment and antidiscrimination policies. All NYC DOE schools are bound by these regulations.

20. Defendant NYC DOE receives hundreds of millions of dollars in federal funds each year, making it a program in receipt of federal funds within the meaning of Title IX.

21. Defendant Melissa Aviles-Ramos is the Chancellor of the NYC DOE and is responsible for its operations.

22. Defendant City of New York is a municipality within New York State and maintains the offices of its Corporation Counsel at 100 Church Street, New York. The Chancellor of the NYC DOE is appointed by the Mayor of the City of New York.

## STATUTORY AND REGULATORY FRAMEWORK

### I. Title IX

23. Title IX provides that “[n]o 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).

24. Discrimination on the basis of pregnancy is a form of sex discrimination under Title IX. To that end, regulations promulgated under Title IX unequivocally apply its prohibition against sex discrimination to discrimination on the basis of pregnancy and parental status, stating:

A recipient [of federal funds, such as the New York Department of Education] shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

34 C.F.R. § 106.40(a).

25. Likewise, 34 C.F.R. § 106.40 specifically provides:

(b) Pregnancy and related conditions. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

34 C.F.R. § 106.40(b)(1).

26. Title IX and its regulations require recipients to make appropriate modifications to make sure that a student is not unlawfully excluded from accessing their education as a

consequence of their pregnancy or related conditions. They also impose an affirmative obligation on recipients to protect pregnant students from harassment based on pregnancy.

## **II. New York Laws and Regulations**

### **A. New York State Human Rights Law**

27. The New York State Human Rights Law (“NYSHRL”) provides that:

It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of [his or her] ... sex.

N.Y. Exec. Law § 296(4).

28. “Educational institution” means “any public school, including any school district, board of cooperative educational services, public college or public university.” N.Y. Exec. Law § 292(40)(c).

### **B. New York City Human Rights Law**

29. The New York City Human Rights Law (“NYCHRL”) similarly prohibits “unlawful discriminatory practice[s]” in places of public accommodation “[b]ecause of any person’s actual or perceived ... gender ... directly or indirectly.” N.Y.C. Admin. Code § 8-107(4)(a)(1).

30. Public schools such as M.S./P.S. 29, operated by Defendants, constitute places of public accommodation for the purposes of the NYCHRL’s prohibition on discrimination. *See* N.Y.C. Admin. Code § 8-102 (definition of “Place or provider of public accommodation”).

31. The Official Rules of the N.Y.C. Commission on Human Rights (“RCNY”) specifically prohibit disparate treatment based on an individual’s pregnancy, including “adverse treatment of pregnant individuals.” 47 RCNY § 2-09(a). An example of violations of the rule

includes situations in which “[a] student at school is bullied for being pregnant. They tell one of their teachers about the bullying, and the teacher does nothing.” *Id.* § 2-09(a)(1)(x).

**C. New York Law and Regulations**

**i. Dignity for All Students Act**

32. The Dignity for All Students Act (“DASA”) requires every school in New York to designate a DASA coordinator to serve as the point of contact at each school for students who have suffered an incident of bias-based harassment, bullying, or discrimination. N.Y. Educ. L. Art. 2 § 13. Acts of harassment include those acts based on a person’s actual or perceived gender or sex.

33. The designee for schools within NYC DOE is called the Respect for All Liaison (“RFA Liaison”), and is usually a teacher or administrator at the school.

34. Among other things, DASA imposes an obligation on the school to investigate and respond to all reports of bias-based harassment, bullying, and discrimination.

35. If an incident is verified through the investigation, the school must take prompt, reasonable, and calculated action to end the offensive conduct, eliminate the hostile environment, and ensure the safety of the student who was the target of the misconduct.

36. In addition, each school must provide training for school employees on how to spot and respond to potential harassment, bullying, and discrimination; the effects of harassment, bullying, and discrimination on victims; and measures to prevent further incidents.

37. Finally, each school must provide annual reports to the New York State Education Department on incidents of harassment, bullying, and discrimination that occurred during the school year.



ii. **Chancellor's Regulations**

38. DASA is implemented in NYC schools by the Chancellor's Regulations.

39. When a student reports an incident of student-to-student bias-based harassment to the school, the Chancellor's Regulations require that the school promptly open an investigation into the incident and file an online report in the NYC DOE's Online Occurrence Reporting System (OORS).

40. Thereafter, the Chancellor's Regulations require the school's principal or her designee to conduct a prompt investigation of the incident, including by interviewing the alleged victim, the accused student, and any witnesses, and by issuing a written report of findings. This report must be provided to the victim, the parents of the accused student, and the NYC DOE.

41. The principal or her designee must also take actions to ensure that the harassment has stopped.

**STATEMENT OF FACTS**

42. Plaintiff is currently a ninth-grade student enrolled at a specialized high school in the NYC public school system. Plaintiff is a dedicated student. Her favorite subjects include Math and English; prior to the discrimination she faced because of her pregnancy, she received excellent grades during her time in school, and was selected for advanced classes and awards.

I. **Defendants Ignored Plaintiff's Initial Requests for Necessary Pregnancy-Related Modifications.**

43. The events giving rise to Plaintiff's claims began in her eighth-grade year, when she attended M.S./P.S. 29 for the 2023-2024 school year. In particular, on or around January 4, 2024, Plaintiff informed the administration at M.S./P.S. 29 that she was pregnant. On January 22, 2024, Katherine Jeffrey, on Plaintiff's behalf, requested pregnancy-related modifications from a school administrator.

44. Thereafter, Plaintiff repeatedly communicated to administrators that, as a consequence of her pregnancy, she was experiencing nausea and other physical symptoms. Plaintiff and her mother requested that the administration make certain necessary pregnancy-related modifications to allow Plaintiff to continue her education. These included, but were not limited to, modest modifications such as bathroom breaks, access to food and water during class to address pregnancy-related nausea, excused absences for pregnancy-related medical appointments, and lactation breaks.

45. From the outset, administrators and teachers at M.S./P.S. 29 failed to provide these modifications, despite telling Plaintiff that her modifications requests were approved. For example, teachers continued to deny Plaintiff necessary bathroom breaks and access to water and food. On one occasion, Plaintiff had her food forcibly taken from her desk in front of other students. On another occasion, Plaintiff was denied her request to use the bathroom. Though Plaintiff told her teachers that she had been granted these modifications through a school administrator, she was still denied access.

46. These repeated denials caused Plaintiff to experience significant physical discomfort in class, distracting her from her studies and preventing her from participating in the classroom environment. Moreover, the fact that these repeated denials were made by Plaintiff's adult teachers caused Plaintiff, a pregnant 14-year-old girl, to perceive her educational environment as hostile and intimidating, further causing Plaintiff to experience shame and embarrassment, preventing Plaintiff from participating in her classroom environment.

**II. Defendants Were Aware of, and Failed to Respond to, Severe Harassment and Bullying of Plaintiff.**

47. Plaintiff was also subjected to repeated harassment regarding her pregnancy, which harassment was perpetrated by other students, teachers, and staff of M.S./P.S. 29, and

occurred on campus at M.S./P.S. 29, as well as during an off-campus school trip sponsored by M.S./P.S. 29.

48. Plaintiff's harassment began in and around January 2024, after Plaintiff disclosed her status to school administrators. In her discussions with administrators, Plaintiff specifically requested that the administration advise teachers to maintain Plaintiff's privacy around her pregnancy, and not to disclose Plaintiff's pregnant status to her peers, due to Plaintiff's well-founded fear of harassment and bullying.

49. However, and against Plaintiff's express request, teachers and administrators repeatedly discussed, and even made light of, Plaintiff's pregnancy with and in front of students, leading to numerous instances of bullying and harassment.

50. In one incident, a teacher, in front of other students, repeatedly asked Plaintiff to take off a jacket that Plaintiff had been wearing to conceal her pregnancy. There was no apparent need for Plaintiff to take off her jacket, except to show other students that Plaintiff was pregnant. This discriminatory purpose was made even more evident when the teacher repeatedly asked the Plaintiff if she had "anything she wants to disclose." The teacher's conduct caused the Plaintiff to feel uncomfortable and intimidated, and the conduct signaled to classmates that this form of harassment was permissible.

51. Moreover, the teacher's conduct not only embarrassed Plaintiff, but it encouraged Plaintiff's classmates to relentlessly bully her in the same manner. In subsequent incidents, which were reported to the school administration, several students repeated the faculty member's harassing conduct, including a student asking Plaintiff to unzip her jacket and other students making disparaging comments about her pregnancy.

52. In other cases, students repeatedly and inappropriately asked Plaintiff's sister about Plaintiff's pregnancy, further stoking gossip amongst the student population. This led to Plaintiff facing further harassment from her peers and, despite reporting the incident, the harassment continued. Faculty members also discussed Plaintiff's absence with Plaintiff's peers directly, commenting that the faculty "all knew" that Plaintiff was absent because of her pregnancy.

53. Moreover, Plaintiff's attempts to report these, and other, instances of harassment were only met with indifference and inaction from administrators.

54. On or around February 2, 2024, Plaintiff, via A Better Balance, sent a letter to the DOE's Title IX Coordinator re-requesting pregnancy-related modifications and alerting the DOE to the ongoing harassment faced by Plaintiff. In response, the DOE directed Plaintiff to contact the administration at M.S./P.S. 29. Several repeated attempts to contact the Principal at M.S./P.S. 29 were made, with no substantive reply.

55. Other administrators at M.S./P.S. 29 also had actual knowledge of the harassment yet failed to implement any adequate response. Plaintiff followed the appropriate procedures for reporting her harassment to school administrators, as set forth in Chancellor's Regulation A-832, but those administrators failed to follow DOE policy and address the harassment.

56. On one occasion, while Plaintiff was writing a report detailing an incident of harassment where another student had tried to lift up her shirt in an attempt to expose her pregnancy, a school staff member told Plaintiff to simply respond to the harassment by telling the harassing student that he was not the father.

57. On another occasion, an administrator responded to Plaintiff's report of harassment by sending Plaintiff a text message that read: "Ha! Ha! My family and I are still laughing about [the harasser's] strange and random comment."

58. The harasser's comment, which made light of Plaintiff's pregnancy and asked her to perform sexual favors for the harasser, was outrageous and inappropriate. The administrator's indifferent and dismissive response was clearly unreasonable, as her role as a school administrator is to promptly report incidents of harassment. This response caused Plaintiff to feel extremely ashamed and embarrassed, and discouraged Plaintiff from reporting additional instances of harassment.

59. Moreover, the administrator's response indicated that she had shared details of Plaintiff's report with her family, which was a breach of Plaintiff's privacy, and which sharing further compounded Plaintiff's shame and embarrassment.

60. This pervasive and repeated pregnancy-related harassment and bullying, by students and administrators both, caused Plaintiff to feel shame and intimidation, and to perceive her school environment as hostile and unwelcoming. Moreover, the indifference and dismissiveness school administrators took in response to Plaintiff's complaints of harassment discouraged Plaintiff from making additional reports of harassment, leaving Plaintiff to experience additional harassment without any recourse.

### **III. Defendants Failed to Provide Plaintiff with Adequate Pregnancy-Related Modifications.**

61. After repeated attempts to contact M.S./P.S. 29 administrators, Plaintiff finally received a response on or around February 23, 2024, when Plaintiff informed the school that she was being placed on medically-necessary bedrest, and requested an accommodation to allow her to continue with her classes.

62. In response, M.S./P.S. 29 administrators initially offered to accommodate Plaintiff's bedrest via a virtual classroom platform. However, less than 24 hours later on or around February 29, 2024, the school rescinded this modification, and instead ordered Plaintiff to enroll in the DOE's Medically Necessary Home Instruction Program.

63. Concerned that this transfer to the Home Instruction Program would severely limit Plaintiff's education, Plaintiff, her mother, and A Better Balance raised questions with M.S./P.S. 29 administrators regarding the adequacy of this program. These administrators refused to have any dialogue with Plaintiff or her representatives to address these concerns, and instead directed all further communication to the Home Instruction Program, which had no prior familiarity with Plaintiff's education.

64. Left with no alternative, Plaintiff enrolled in the Home Instruction Program on or around March 27, 2024.

65. During the period from February to March 2024, when Plaintiff was on bedrest and had not yet been accepted into the Home Instruction Program, M.S./P.S. 29 provided Plaintiff with virtual classroom portals that were intermittently blocked, causing Plaintiff to miss classes and fall behind in her educational achievement.

66. For instance, Plaintiff was unable to access the Zoom platform on more than sixty occasions for her Algebra course. M.S./P.S. 29's failure to upload assignments electronically for Plaintiff's Korean course made the material inaccessible.

67. Moreover, M.S./P.S. 29 initially failed to provide any coursework for Plaintiff to complete for Science or Social Studies until she enrolled in Home Instruction. This resulted in Plaintiff's grades dropping significantly.

68. Prior to enrolling in Home Instruction, Plaintiff was an exemplary academic student. She excelled not only in her standard coursework, but also in additional advanced electives, such as Algebra and Korean language.

69. These educational access issues persisted while Plaintiff was enrolled in the Home Instruction Program, as M.S./P.S. 29 failed to provide Plaintiff with consistent access to coursework and instruction in several of her courses.

70. Yet, M.S./P.S. 29 failed to provide consistent access to coursework and instruction in several courses, including Korean, Science, Social Studies, Algebra, and ELA, while Plaintiff was enrolled in the Home Instruction program.

71. M.S./P.S. 29 and the DOE also denied Plaintiff's requested modifications to permit her to complete her coursework as the Spring 2024 Academic Semester was ending.

72. For example, Plaintiff requested an academic plan, coursework extensions, and tutoring for her Korean classwork. These requests were communicated to both M.S./P.S. 29 and the DOE via email sent by A Better Balance on June 21, 2024.

73. However, M.S./P.S. 29 and the DOE either ignored or were deliberately indifferent to these emails, and neither Plaintiff nor A Better Balance received any substantive response.

74. Likewise, M.S./P.S. 29 and the DOE failed to adequately implement Plaintiff's pregnancy-related modification to continue her advanced Algebra course via Zoom, which course was necessary to allow Plaintiff to sit for the New York Regents Exam and enroll in an advanced math course in the ninth grade.

75. While Plaintiff diligently sought to participate in the remote instruction, the Zoom platform experienced technical outages and was insufficient to provide Plaintiff with ongoing

access to the course. As a result, Plaintiff was not prepared and did not sit for the Regents Exam, precluding her from starting an advanced math course in ninth grade.

**IV. Defendants' Conduct Deprived Plaintiff of Equal Access to Educational Opportunities and Has Had Lasting Consequences for Plaintiff's Education.**

76. M.S./P.S. 29 and the DOE had actual knowledge of these incidents at the time they occurred, and either ignored these incidents, or took insufficient action to address these incidents.

77. These serious failures denied Plaintiff equal access to her educational programs, and have resulted in additional, lasting setbacks in Plaintiff's education in the New York City Public Schools. Plaintiff estimates that, due to Defendants' failures, she missed approximately three-to-four weeks of school with only intermittent access to coursework during this time, and was deprived of approximately sixty sessions of virtual Algebra instruction.

78. Moreover, and as alleged above, these failures and the unaddressed harassment caused Plaintiff to feel shame, embarrassment, and anxiety, both during the period she attended in-person instruction and during the period in which M.S./P.S. 29 and the DOE mandated that she attend the Home Instruction Program.

79. As a consequence of these failures, Plaintiff experienced depression and other significant emotional distress. The depression and other emotional distress caused by these failures prevented Plaintiff from fully participating in the classroom setting.

80. These failures and the emotional distress they have caused have had lasting impacts on Plaintiff.

81. There have also been consequences for Plaintiff's family, as the school's failure to grant Plaintiff access to her Zoom courses resulted in Plaintiff's mother's inability to take a



family member to mandatory chemotherapy appointments, requiring alternative transportation totaling \$840.

82. Despite her best efforts, Plaintiff continues to lag in her current education, due to academic setbacks as a result of M.S./P.S. 29 and the DOE's failure to accommodate her pregnancy.

83. M.S./P.S. 29's failure to provide access to course materials and instruction significantly undermined Plaintiff's academic record and her ability to graduate with the Algebra credits she would otherwise have earned.

84. This failure is part of Defendants' pattern and practice of failing to provide adequate pregnancy-related modifications for its students, to provide sufficient training for teachers, administrators, and other employees on how to assist pregnant students, and to provide adequate resources and training pertaining to Title IX.

85. On September 22, 2024, Plaintiff's mother, by and through A Better Balance, served a Notice of Claim on the City of New York, via the New York City Comptroller's Office, and on then-Chancellor David Banks, the New York City Board of Education, the Panel on Education, and M.S./P.S. 29, via the New York City Law Department, regarding, *inter alia*, Defendants' failure to accommodate Plaintiff's pregnancy, as required by Title IX, the NYSHRL, and the NYCHRL. Defendants' failure to address Plaintiff's harassment due to her pregnancy, as required by the aforementioned laws, and Defendants' negligence and negligent supervision arising out of the same misconduct.

**FIRST CAUSE OF ACTION: VIOLATION OF TITLE IX  
(AGAINST DOE AND THE CITY OF NEW YORK)**

86. Plaintiff incorporates and reiterates each and every paragraph above as through fully set forth herein.

87. Defendants operate programs in receipt of federal funds and are thus covered by Title IX's prohibition against excluding students from participating in educational programs on the basis of sex, including on the basis of pregnancy.

88. Plaintiff was the victim of discrimination based on her sex.

89. Defendants possessed actual knowledge of the systematic and unreasonable failures to provide Plaintiff with necessary modifications for her pregnancy and to provide her with equal access to her education.

90. At all relevant times, Defendants exercised substantial control over the responsible individuals, who, at all relevant times, were employees of DOE schools.

91. Defendants' systematic failure to accommodate Plaintiff was so severe and pervasive that it effectively excluded Plaintiff from classroom instruction that was available to all other students and denied Plaintiff equal access to educational opportunities or benefits.

92. Defendants failed to provide interim or permanent measures to ensure that Plaintiff could continue to enjoy access to educational opportunities and benefits.

93. As a result of Defendants' acts or omissions, Plaintiff was deprived equal access to educational opportunities and benefits.

94. As set forth in the foregoing sections, Plaintiff was also the victim of harassment based on her sex.

95. Defendants possessed actual knowledge of this harassment based on Plaintiff's pregnancy.

96. At all relevant times, Defendants exercised substantial control over the responsible individuals, who, at all relevant times, were either employees of DOE schools, or students enrolled in DOE schools.

97. The harassment suffered by Plaintiff was so severe, pervasive, and objectively offensive that it effectively denied Plaintiff equal access to educational opportunities or benefits.

98. Defendants acted with deliberate indifference to the acts of harassment by failing to take any action to prevent them, to deter the employees and individuals responsible, or to protect Plaintiff from harassment while she was involved in school programs and activities.

99. As a result of Defendants' acts or omissions, Plaintiff continued to experience harassment on the basis of her pregnancy, and was further deprived equal access to educational opportunities and benefits.

100. The acts, conduct, and behavior of the Defendants caused Plaintiff to suffer actual damages including, but not limited to, emotional pain and suffering, humiliation, embarrassment, anxiety, mental distress, inconvenience, insult, a denial of equal access to educational benefit, and other economic and non-economic damages.

101. Plaintiff is entitled to recover the aforementioned damages under Title IX and 42 U.S.C. § 1983.

**SECOND CAUSE OF ACTION:  
VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW  
(AGAINST DOE AND THE CITY OF NEW YORK)**

102. Plaintiff incorporates and reiterates each and every paragraph above as though fully set forth herein.

103. DOE is an educational institution as defined by New York Executive Law § 292(40).

104. Plaintiff was the victim of harassment based on her sex.

105. Defendants possessed actual knowledge of this harassment based on Plaintiff's pregnancy.

106. At all relevant times, Defendants exercised substantial control over the responsible individuals, who, at all relevant times, were either employees of DOE schools, or students enrolled in DOE schools.

107. The harassment suffered by Plaintiff was so severe, pervasive, and objectively offensive that they effectively denied Plaintiff equal access to educational opportunities or benefits.

108. DOE failed to provide interim or permanent measures to ensure that Plaintiff could continue to enjoy access to educational opportunities and benefits.

109. These failures by DOE against Plaintiff, are in violation of the NYSHRL by subjecting her to different treatment on the basis of her sex and pregnancy status, including by subjecting her to harassment, bullying, intimidation, and a hostile educational environment; by failing to prevent, respond to, adequately investigate, and/or appropriately resolve and remedy instances of unlawful discrimination; and by exhibiting deliberate indifference to the risk that she would be subjected to unlawful discrimination and a hostile educational environment. *See* N.Y. Exec. Law § 296(4).

110. As a direct and proximate result of these actions, Plaintiff suffered and will continue to suffer harm, including but not limited to loss of educational opportunities, humiliation, embarrassment, reputational harm, emotional, physical, and psychological distress, and other damages.

**THIRD CAUSE OF ACTION:  
VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW  
(AGAINST DOE AND THE CITY OF NEW YORK)**

111. Plaintiff incorporates and reiterates each and every paragraph above as though fully set forth herein.

112. DOE constitutes a “place or provider of public accommodation” as within the meaning of N.Y.C. Admin. Code § 8-101 and § 8-102.

113. Plaintiff was the victim of gender-based harassment based on her pregnancy status.

114. Defendants possessed actual knowledge of this harassment based on Plaintiff’s pregnancy.

115. At all relevant times, Defendants exercised substantial control over the responsible individuals, who, at all relevant times, were either employees of DOE schools, or students enrolled in DOE schools.

116. The harassment suffered by Plaintiff was so severe, pervasive, and objectively offensive that they effectively denied Plaintiff equal access to educational opportunities or benefits.

117. DOE failed to provide interim or permanent measures to ensure that Plaintiff could continue to enjoy access to educational opportunities and benefits.

118. These failures by the DOE against Plaintiff, are in violation of New York City Human Rights Law right to “the full and equal enjoyment, on equal terms and conditions, of any [public] accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation” regardless of gender or perceived gender. N.Y.C. Admin. Code § 8-107(4)(a)(1)(a).

119. As a result of Defendants’ actions, Plaintiff faced ongoing harassment and emotional distress that continue to take a toll on her education to this day.

120. Defendants' actions were done intentionally or with willful or wanton negligence, recklessness, or with a conscious disregard of Plaintiff's rights, entitling Plaintiff to punitive damages under the NYCHRL.

121. As a direct and proximate result of these actions, Plaintiff suffered and will continue to suffer harm, including but not limited to loss of educational opportunities, humiliation, embarrassment, reputational harm, emotional, physical, and psychological distress, and other damages.

**FOURTH CAUSE OF ACTION: NEGLIGENCE  
(AGAINST ALL DEFENDANTS)**

122. Plaintiff incorporates and reiterates each and every paragraph above as though fully set forth herein.

123. Defendants owed duties of care to Plaintiff, an enrolled student at the school, based on New York common law code for educational settings. Such duties included a duty to avoid reasonably foreseeable harms, including their statutory obligation to students.

124. Defendants breached this duty by failing to protect Plaintiff from pregnancy-related harassment and discrimination in violation of the anti-discrimination laws.

125. As a direct and proximate result of Defendants' negligence, Plaintiff suffered emotional distress that continues to take a toll on her education to this day and a denial of equal access to educational benefit.

126. Defendants' actions were done intentionally or with willful or wanton negligence, recklessness, or with a conscious disregard of Plaintiff's rights, entitling Plaintiff to punitive damages under New York law.

127. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements.

**FIFTH CAUSE OF ACTION: NEGLIGENT SUPERVISION  
(AGAINST ALL DEFENDANTS)**

128. Plaintiff incorporates and reiterates each and every paragraph above as though fully set forth herein.

129. Defendants owed Plaintiff, an enrolled student at the school, a duty of care based on the New York State Dignity for All Students Act (DASA), which imposes specific statutory duties on schools to provide students an environment free from discrimination and harassment.

130. Defendants breached their duty of care owed to Plaintiff by failing to comply with DASA.

131. As a direct and proximate result of Defendants' negligent supervision, Plaintiff suffered emotional distress that continues to take a toll on her education to this day and a denial of equal access to educational benefit.

132. Defendants' actions were done intentionally or with willful or wanton negligence, recklessness, or with a conscious disregard of Plaintiff's rights, entitling Plaintiff to punitive damages under New York law.

133. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs and disbursements.

**JURY DEMAND**

134. Plaintiff demands a trial by jury on all issues, pursuant to the Seventh Amendment to the U.S. Constitution and Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

WHEREOF, Plaintiff respectfully requests that this Court:

1. Declare Defendants' acts and omissions as complained of to be unlawful and in violation of Title IX, the New York State Human Rights Law, and the New York City Human Rights Law;
2. Declare Defendants' acts and omissions as complained of to be negligent, in violation of the duties of care Defendants owed to Plaintiff;
3. Award Plaintiff actual, compensatory, consequential, and punitive damages in an amount to be determined at trial;
4. Award Plaintiff reasonable attorneys' fees and costs;
5. Grant any other and further relief that this Court may deem just and proper; and
6. Retain jurisdiction over this matter until Defendants demonstrate full compliance with the Court's order.



Dated: January 22, 2025  
New York, New York

Respectfully Submitted,

By: /s/ Evan D. Parness

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/s/ Katherine Greenberg

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