

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
2023 JAN 5 P 2:54  
CLERK *WP*  
SO. DIST. OF GA.

J.K, a minor, by and through his mother  
Lakeisha Hamilton; and J.J. and K.M by  
and through their mother, Tauretta McCray  
PLAINTIFF,

v.

EFFINGHAM COUNTY SCHOOL DISTRICT,  
BOARD MEMBER, F. LAMAR ALLEN, Officially;  
BOARD MEMBER VICKIE DECKER; Officially;  
BOARD MEMBER JAN LANDING; Officially;  
BOARD MEMBER LYNN ANDERSON; Officially;  
BOARD MEMBER BEN JOHNSON; Officially;  
DR. YANCY FORD, Officially  
DEFENDANT.

CV 423-005

Case No. \_\_\_\_\_

**COMPLAINT**

**Introduction**

1. This civil rights action is brought by two students at Effingham County High School ("ECHS"), and a student at Effingham College and Career Academy ("ECCA") by and through their respective mothers, Lakeisha Hamilton ("Hamilton") and Tauretta McCray, ("McCray") individually. ECHS and ECCA are public educational institutions maintained

by Defendant Effingham County, Georgia Board of Education, Effingham County School District ("ECSD"). The individual named defendants are policymaking officers of the Board, and named in their official capacity.

2. Defendant ECSD is public school system is a public school system vested with the constitutional duty to "establish and maintain public schools" within its geographical limits. Ga. Cons. Art. VIII § 5 ¶ I. ECSD is governed by the Effingham County Board of Education, which is charged with the duty to maintain "management and control" of the ECSD system. Ga. Const. Art. VIII, § 5, ¶ II. The discriminatory and unconstitutional actions of ECHS, ECCA and the ECSD are derived from policies adopted by Defendants. The conduct of the ECHS and ECCA administrators as described herein are also the acts and omissions of Defendants.

3. Plaintiffs, who are African-American, challenge ECHS's and ECCA's deliberate indifference to acts of racial animosity toward Black students perpetuated by white students and teachers; as well as the school's viewpoint discrimination in its dress code and the inconsistent administration of disciplinary policies to the detriment of Black students. Defendant's conduct, as outlined herein, violates Plaintiffs' rights to Equal Protection under the Fourteenth Amendment; their right to free speech under the First Amendment; and their right to be free from race discrimination and retaliation under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*

4. School administrators at ECHS, ECCA and the ECSD have engaged in an egregious pattern of deliberately ignoring complaints from Plaintiffs and other black students and

their parents) and demonstrated a deliberate indifference to peer-to-peer harassment about repeated incidents of racial intimidation and bigotry at ECHS and ECCA, which have included but are not limited to: two students scrawling racial epithet across lockers in the baseball locker room; a noose being hung in the football locker room; students wearing Confederate flag attire; a white student wearing a full Hitler costume during spirit week after obtaining prior approval from a teacher; white students' open use of racial slurs including "ni\*\*\*\*\*"; overtly racist remarks by a white teacher and open and notorious display of Confederate flags in the building.

5. The school's dress code and disciplinary policies create an atmosphere where certain viewpoints including white nationalism and white supremacy are permitted but speech of an ideologically different viewpoint is expressly prohibited. The school's dress code is emblematic of these unlawful policies. Under the school's dress code, which is promulgated by the Board, school officials permit the wearing of any and all Confederate flag apparel is permitted, but simultaneously *prohibit* the wearing of any and all "Black Lives Matter" or related thematic messaging (e.g. a shirt with Black Love).

6. White students were found to have defaced and damaged government property, by scrawling "I hate ni\*\*\*\*\*" on lockers in the baseball locker room. To date, these students were not punished for this heinous offense, but instead subjected to 2 days of ISS (in school suspension) for other related offenses.

7. In September 2022, during the school's Spirt Week, the school's and school district's flagrant viewpoint discrimination came into acute focus. That week a while male student was permitted, after asking prior to to do so, to wear a full Adolph Hitler costume for the

course of an entire day without any repercussions. Nothing was done in response to this incident despite complaining to Defendants by black students.

8. Plaintiff Thornill and J.J. allege (collectively, "Plaintiffs") that Defendants violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et. seq.*, by disciplining her in retaliation for complaining about the use of racial epithet, when white students similarly situated or worse situated in all material aspects were not punished. For example the students that actually defaced the baseball locker room were not punished nearly as harsh.

9. Plaintiffs allege that Defendants have violated the First Amendment of the U.S Constitution, as applied to the states through the Fourteenth Amendment, by the following acts: forbidding ECHS and ECSD students from wearing "Black Lives Matter" messaging to school, while permitting Confederate flag, Trump paraphernalia and apparel.

10. Plaintiffs allege that Defendants have violated the Equal Protection Clause of the Fourteenth Amendment, by denying Plaintiff's the right to equal access to an educational environment free from harassment and discrimination on the basis of race.

11. Among other relief as prayed for herein, Plaintiffs seek injunctive relief in this action, including an amendment of the school dress code to prohibit discrimination based on political or ideological viewpoints, and the expungement of any disciplinary records attribute to Plaintiff J.J. regarding any discipline taken against Plaintiff in retaliation for vocalizing disparity in treatment and punishment.

## **I. PARTIES**

12. Plaintiff J.K. is a minor and a 16 y/o black student at ECHS. He lives in Rincon, GA with his mother.

13. Plaintiff J.J. is a minor and 15 y/o black student at ECHS. She lives in Guyton, GA with her mother. Plaintiff K.M is a 16 y/o black student at ECCA. She lives in Guyton, GA with her mother. They share the same mother.

14. Plaintiff Lakeisha Hamilton is the mother of J.K. and brings this action on behalf of her minor son, J.K.

15. Plaintiff Tauretta McCray is the mother of J.J. and K.M. and brings this action on behalf of her minor daughters, J.J. and K.M.

16. ECHS is located at 1589 Hwy 119 S, Springfield, GA 31329 within Effingham County, and is a public educational institution maintained by the Effingham County Board of Education. ECCA is located at 2940 GA-21, and is a public educational institution maintained by the Effingham County Board of Education.

17. Defendant ECSD is a public school system vested with the constitutional duty “to establish and maintain public schools” within its geographical limits. Ga. Const. Art. VIII, § 5, ¶ I. ECSD is governed by the Effingham County Board of Education, which is charged with the duty to maintain “management and control: of the ECSD school system. Ga. Const. Art. VIII § 5, ¶ II.

18. The Board maintains its administrative offices at 405 N. Ash St., Springfield, GA 31329.

## **II. JURISDICTION AND VENUE**

19. This Court has general federal question jurisdiction over this matter, pursuant to 28 U.S.C. § 1331, as this case arises under federal law, namely Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, *et seq.*

20. The Southern District of Georgia is a proper venue for this action, pursuant to 28 U.S.C. § 1391 (b)(2), because the events giving rise to the claim took place in Springfield and/or Effingham County, Georgia.

## **III. STATEMENT OF FACTS**

21. J.K. at the time of the filing of this Complaint, is a sophomore at ECHS. He is black.

22. J.J. at the time of the filing of this Complaint, is a sophomore at ECHS. She is black. K.M at the time of the filing of this Complaint, is a junior at ECCA.

23. Amie Dickerson, at the time of the filing of this complaint, is a principal at ECHS. She is white.

### ***Reports and/or Actual and/or Constructive Knowledge of Racial Animosity at ECHS, ECSD and the School's Deliberate Indifference***

24. Plaintiffs have experienced a pattern at ECHS and ECSD of overt bigotry and animosity by some white students and teachers against African American students. Plaintiffs have repeatedly voiced their concerns and instances of open racism to school officials, and in some instances involved the local news channel to no avail; school officials have taken no actions to address or prevent these reported incidents of

intimidation and racial bigotry and, in some instances, have catered to the perpetrators by failing to conduct proper investigations or discipline the perpetrators.

25. In 2020, the students at ECHS, ECCA and/or ECSD reenacted the killing of George Floyd. Students played the role of police officers and another student played the role of George Floyd. One of the white students put a knee on the other student's neck. That reenactment was posted to social media and later covered on the local news. Plaintiff K.M. witnessed it and complained to administration. Subsequent to that the incident was covered on the local news. As a result the students were suspended and sent to the alternative period of time. During the time at the alternative school, the offending students harassed and threatened Plaintiff, K.M., warning that "she ruined their lives." Despite complaints to administration, no action was taken.

26. The scrawling of "I hate ni\*\*\*\*\*" were reported to principal Amie Dickerson. Plaintiffs J.K. manifested emotional distress at the episode and has expressed discomfort and dis-ease in entering the school's baseball facilities which is his safe place.

27. Following this incident and other reports of racial animosity perpetuated by the white students that scrawled the racial epithet in the locker room, those students were coddled and allowed to "confess" to less severe infractions connected to the event.

28. Defendants have been aware of a pervasive and consistent pattern of peer-to-peer harassment and discrimination. Yet they failed to prevent or address the peer-to-peer racial harassment that was sufficiently serious as to create a hostile environment; that is, harassment that denies or limits a student's ability to participate in or benefit from school.

29. Plaintiffs in addition to numerous other students, made multiple complaints about the activities of several white students, who would regularly say the “n word” without consequence or recourse.

30. Plaintiff J.J. was disciplined after naturally responding emotionally when April Collins stated to her in a classroom on ECHS campus, “thats like someone calling you a ni\*\*\*\*” in response to her using the term “retarded” to refer to something that she thought did not look good. Despite complaint from Plaintiff Thornhill and J.J. there was not action taken against the teacher.

### ***Dress Code Policy***

31. ECHS, ECCA and ECSD maintains a dress code policy that prohibits wearing or displaying expressive items on the uniform that may contribute to disruption by substantially interfering with discipline or rights of others. As Effingham County Schools Handbook p. 12. As vague as the language is, it has been interpreted and enforced to exclude “Black Lives Matter” but not Confederate flag attire or regalia.

32. Administrators have interpreted this district wide code to permit the wearing of Confederate flag attire while construing it to prohibit “Black Lives Matter’ messaging or images.

33. White students at ECHS , ECCA and within ECSD regularly wear Conferate flag apparel and “Trump’ apparel. Plaintiffs have seen this on several occasions.



34. The school permits faculty to display paraphernalia supporting former President Donald Trump. However, the school has expressly prohibited Plaintiffs from wearing Black Lives Matter messaging on the grounds that it is disruptive and controversial.

35. In one instance, a black student was refused entry to a football game because she was wearing a "Black Lives Matter" shirt; and was advised that she could not enter with it on. However, a white student was allowed entry at the very same event with a shirt that read, "Stomp on My Flag; I'll Stomp Your A\*\*". There were no repercussions for that white student.

36. Defendants were made aware of the obvious viewpoint discrimination behind the application of the dress code via multiple black students and parents and also via the local news outlet. They were told that while the dress code forbids any clothing that could cause a disruption (and asserted that "Black Lives Matter" constituted a disruption, that the Confederate flag represents "heritage not hate" and is a point of pride rather than disruption.

***During ECHS "Spirit Week", An Incident Occurred Related to Adolph Hitler Costume Worn to School***

37. In September 2022, during Spirit Week, a homecoming style week is met with specific theme days such as "hero vs. villain".

38. During "Spirit Week", one white student, after receiving approval from a teacher, wore a full outfitted Adolph Hitler costume. Complaints were made to Defendants with no recourse.

**COUNT I**

**(as to all Defendants)**

**Denial of Equal Protection**

**in violation of the Fourteenth Amendment to the U.S. Constitution**

**and 42 U.S.C. §1983**

39. Plaintiffs reallege and incorporate the above paragraphs by reference as if fully set forth herein.

40. Defendants have violated Plaintiffs' right to Equal Protection under the Fourteenth Amendment, by demonstrating deliberate indifference to evidence of racist remarks and actions by white students and white teachers against them and for inconsistently applying ECSD and ECHS disciplinary policies to the detriment of Black students, including Plaintiffs.

**COUNT II**

**(as to all Defendants)**

**Infringement on Free Speech (by Dress Code and Other Disciplinary Policies) in violation of the First Amendment to the U.S Constitution and 42 U.S.C. § 1983**

41. Plaintiffs reallege and incorporate the above paragraphs by reference as if fully set forth herein.

42. ECHS and ECCA's dress code, as originally adopted by Defendants, is unconstitutional because it discriminates based on viewpoint in violation of the First Amendment of the U.S. Constitution, as applied to the states through the Fourteenth Amendment.

### COUNT III

(as to all Defendants)

Race Discrimination in violation of Title VI, 42 U.S.C. § 2000d

43. Plaintiffs reallege and incorporate the above paragraphs by reference as if fully set forth herein.

44. Defendants' failure to address incidents of racism by white students and white teachers caused a hostile environment and promoted the harassment to continue occurring.

### JURY DEMAND

Plaintiffs request a trial by jury on all claims.

WHEREFORE, Plaintiffs request that this Court enter the following relief:

1. Find and declare that Defendants' conduct, as described herein and taken against Plaintiffs, constitutes racial discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, *et seq.*;
2. Find and declare that Defendants' conduct, as described herein and taken against Plaintiffs, violated Plaintiffs' right to Free Speech under the First Amendment of the U.S. Constitution;
3. Find and declare that the dress code as described herein, on its face, violates Plaintiffs' right to Free Speech under the First Amendment of the U.S. Constitution;

4. Find and declare the Defendants' conduct, as described herein, and the dress code as described herein, on its face, violates Plaintiffs' right to Equal Protection under the Fourteenth Amendment of the U.S. Constitution;
5. Issue a permanent injunction, requiring Defendants to comply with federal law, including by enjoining the Defendants from any continuing punishment or sanction against Plaintiffs on account of their constitutionally protected speech and expunging from Plaintiffs' school records all references to the incidents in question;
6. Award damages that may be appropriate, in an amount to be determined at trial;
7. Award punitive damages for the egregious conduct of Defendants'
8. Award all costs and fees incurred prosecuting this action;
9. Grant any and all other relief to which Plaintiffs may be entitled as this Court deems just and appropriate.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Lakeisha Hamilton', is written over a horizontal line.

Lakeisha Hamilton, J.K. Rhetta Thornill and J.J.

Pro Se

420 Seabreeze Dr.

Rincon, Georgia 31326

(912)596-4740

## CIVIL COVER SHEET

CY 423-003

JS 44 (Rev. 08/18)

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

J.K. a minor by and through his mother  
Lakeisha Hamilton and J.J. and K.M. by  
and through their mother, Tawetta McCray

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

## DEFENDANTS

Effingham County School District  
F. Lamar Allen, Vickie Decker, Jan Landing,  
Lynn Anderson, Ben Johnson, Yancy Ford

County of Residence of First Listed Defendant

Effingham

(IN U.S. PLAINTIFF CASES ONLY)

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
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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                        |   | PTF                        | DEF                        |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

## 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):

Title VI Civil Rights Act 1964, 42 U.S.C. §2000

Brief description of cause:

discrimination based on race and retaliation

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE