

IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION

ASHLEY PEDEN and CHADD PEDEN,	)	
as next friends of JANE DOE, a minor,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.
	)	
TAYLORVILLE COMMUNITY UNIT	)	
SCHOOL DISTRICT #3, and DURHAM	)	
SCHOOL SERVICES, L.P.,	)	
	)	
Defendants.	)	
	)	JURY TRIAL DEMANDED

COMPLAINT

NOW COME Plaintiffs, ASHLEY PEDEN and CHADD PEDEN, as next friends of JANE DOE, a minor (collectively, "Plaintiffs"), by and through their undersigned counsel, Cass T. Casper, Esq., DISPARTI LAW GROUP, P.A., and state as follows for their Complaint against TAYLORVILLE COMMUNITY UNIT SCHOOL DISTRICT #3 ("District") and DURHAM SCHOOL SERVICES, L.P. ("Durham") (collectively, "Defendants").

1. This action arises from the Defendants' deliberate indifference to and failure to prevent severe sexual abuse suffered by minor Plaintiff Jane Doe by a fellow student while she was a student at the District's school.
2. At all times, Defendants failed to take appropriate action to protect Jane from harm.
3. Jane has suffered severe emotional distress and psychological trauma

requiring ongoing therapeutic treatment as a result of the Defendants' negligence and failure to protect her.

JURISDICTION AND VENUE

4. This Court has jurisdiction over Plaintiff's claims pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. §1681(a), 42 U.S.C. § 1983, and the Fourteenth Amendment of the United States Constitution.

5. Supplemental jurisdiction exists over the state law claims pursuant to 28 U.S.C. § 1367 because the factual allegations and claims are so related as to form part of the same case and controversy.

6. Venue is proper in this Court because Defendant Taylorville Community Unit School District #3 has its principal place of operation in this judicial district, within Christian County, Illinois, and the acts and omissions giving rise to Plaintiff's claims occurred in this judicial district.

PARTIES

7. Plaintiff Jane Doe is a minor child who resides with her parents in Stonington, Illinois. At all relevant times, she has been a student at Taylorville Community Unit School District #3.

8. Plaintiffs Ashley Peden and Chadd Peden are the parents and natural guardians of Jane Doe, and they bring this action as next friends of their minor daughter. They are adult residents of Stonington, Illinois.

9. Ashley Peden is employed as a teacher and, along with her husband

Chadd Peden, has actively advocated for their daughter's safety and well-being within the school system. Ashley is an alumnus of the District.

10. Defendant Taylorville Community Unit School District #3 ("District") is a public school district organized under the laws of the State of Illinois. The District operates various schools within its jurisdiction and is responsible for the safety, supervision, and well-being of its students, including Plaintiff Jane Doe.

11. At all relevant times, the District acted through its agents, servants, and employees, who were acting within the scope of their employment and under color of state law.

12. Defendant Durham School Services, L.P. is a foreign corporation doing business in Illinois in the business of providing school transportation services to school districts around the state. It has a designated office in Illinois at 2601 Navistar Drive, Lisle, Illinois 60532 under Illinois Secretary of State file number S019390. It provided the bussing services to the District in this case and the abuse occurred on busses provided by it to the District.

FACTS COMMON TO ALL COUNTS

13. During the 2023-2024 academic year, Plaintiff Jane Doe was enrolled as a fifth-grade student at Taylorville Junior High School, a school within Taylorville Community Unit School District #3 ("District"). She was 10 years old at the time of the abuse averred herein.

14. At all relevant times, Jane Doe was a minor child under the care, custody, and control of the District during or closely after school hours.

15. Jane is diagnosed as a young person with autism and ADHD and anxiety for which she is on medications.

16. In or around the end of the January 2024, Jane Doe began experiencing severe and pervasive bullying and abuse by the perpetrator at the school bus stop at Taylorville Junior High School and on the school bus operated by Defendant Durham.

17. The abuse occurred over a period of approximately one week on the school bus operated by Defendant Durham, where the perpetrator forcibly sat next to Jane Doe, and sexually abused her on a repeated basis during the bus ride home from school.

18. The abuse was repeated and forced, and included the perpetrator forcing his hand into Jane's underpants and committing acts of digital penetration of her vagina and anus while she was cornered within a school bus seat, or otherwise rubbing his hands outside of her private areas.

19. The perpetrator committed such acts of physical sexual abuse multiple times over at least a week and otherwise engaged in fondling of Jane, each time cornering Jane in a school bus seat and forcing his hands in her underpants and/or fondling her in sexual manner.

20. The perpetrator told Jane, following each incident of abuse, that he would hurt her and her family if she told anyone and would shame her if she exposed what he did.

21. Following the assaults, during the investigation by the Illinois State

Policy, the perpetrator admitted that he did not even know Jane's name when he repeatedly assaulted her.

22. On one another occasion in late January 2024, Durham dropped Jane off at the bus stop at or near 500 East North Street, Stonington, Illinois, and the perpetrator exited the bus after Jane, pursued Jane, and pushed her down on the ground and sexually assaulted her with digital penetration of her vagina and anus. The perpetrator covered Jane's mouth during the assault so that she could not cry for help.

23. Jane was so scared following this event that went into the library portion of the Community Center, told the librarian what happened and her teacher was alerted.

24. Jane was abused off the bus at or near the community center on at least three occasions.

25. On subsequently learning of the sexual abuse, Jane's parents filed a police report and obtained and served an emergency order of protection on District officials, including on the school's principal, Eric Bruder ("Bruder"), and insisted that the District immediately follows the dictates of such order in keeping the perpetrator away from Jane.

26. The Plaintiffs further reported the details of the abuse to multiple school Officials to Principal Bruder.

27. Despite having actual knowledge of the abuse through these multiple

reports, the District failed to take appropriate action to protect Jane from continued harm.

28. After the incidents of abuse happened on Jane, indeed, the District “responded” by placing the perpetrator on a different bus with younger children, despite that the District was aware that the perpetrator had just perpetrated horrendous acts of sexual abuse on Jane on a different bus.

29. The District took no measures whatsoever to prevent the perpetrator from having access to Jane at or near the school bus stop at Taylorville Junior High School, except for implementing an ineffective safety plan that was deficient in at least the following ways:

- a. It violated the February 2, 2024’s prohibition on the perpetrator not being allowed in the school, by allowing him to remain in the school;
- b. The safety plan reflected that only “Mrs. Johnson, Durham transportation, and the office leadership” were notified of its protocols, and not even the perpetrator’s teacher so notified;
- c. It reflects that the perpetrator would be moved to a different bus, where he would have access to other young students, and it purported to limit him having other contact with students because the bus driver would see him – yet, the bus driver was unable to stop him from attacking Jane in the first place;
- d. The safety plan contained nothing to provide for emotional support, therapy, counseling, and other services for Jane; and,
- e. The safety plan contained no disciplinary plan or other action

designed to deter the perpetrator from engaging in similar acts.

30. The severity and persistence of the abuse necessitated that Jane's parents file a police report regarding the incidents.

31. As a direct result of the District's deliberate indifference and failure to act, Jane has suffered severe emotional distress and psychological trauma.

32. Jane's trauma has been so significant that she currently requires ongoing treatment from two different therapists.

33. The District's failure to respond appropriately to reports of abuse represents a pattern of "sweeping these situations under the rug" rather than addressing them properly.

34. Following the abuse, Jane's parents were alerted several times by members in the community that the perpetrator had a prior history of engaging in acts of sexual improprieties on other younger children.

35. In one instance, Ashley Peden, Jane's mother, received a phone call from someone who would not identify herself, but claimed to work at Taylorville Junior High School alerting her that assaults were occurring in the school, and the school administration lacked sufficient protocols to contend with them and prevent them, including to prevent the assaults on Jane.

36. Jane's parents also received two reports from community members that the perpetrator had engaged in fondling-type activity on younger children.

37. Plaintiffs bring this action against the District and Durham to hold them liable for the acts of abuse committed against Jane.

38. The District subsequently undertook an investigation of Jane's abuse, and produced an investigative report that was blatantly steered toward vindicating the District of any liability whatsoever. It did this as follows:

- a. Noting multiple times and in pointed, obvious fashion, that the abuse occurred off of District grounds;
- b. Denying any knowledge of prior problems by the perpetrator;
- c. Accusing, tacitly, Jane's parents of shifting their allegations;
- d. Accusing, tacitly, Jane of shifting her story, and discounting the fact that sexual abuse victims such as Jane have a well-documented hard time recounting their abuse because of, *inter alia*, the shameful and embarrassing nature of the conduct involved;
- e. Minimizing District officials' knowledge of the order of protection;
- f. Limiting the scope of the investigation "to the complaint at issue" and refusing to conduct a broader investigation into the perpetrator's behavior beyond January and February 2024; and,
- g. Failing to preserve bus footage from longer periods of time despite knowing of the need to do so.
- h. Failed to follow its own Student Discipline Code, which repeatedly provides the bus misconduct is prohibited; yet, the Title IX investigation attempts to avert liability by emphasizing again and again it occurred on the bus.
- i. Noting that the video from the Stonington Community Center does

not show where the alleged incident took place, even though the video does show the perpetrator following Jane behind the building.

39. The District was negligent in other respects beyond the Title IX investigation, too, including failing to notify all teachers of the safety plan (including the perpetrator's teacher), failing to obtain at least 30 days of bus footage after the assaults, failing to provide adequate safety protocols at and around the bus pickup and drop offsites, and on the bus, failing to advise anyone beyond the school resource officer the specifics of the allegations, and failing to follow the order of protection issued on February 2, 2024, which prohibited the perpetrator from accessing Jane's school.

40. With respect to the bus footage, the District reported in its investigative report that Bruder "reviewed two weeks of bus footage," but then noted later in the report that "[b]us footage only lasts approximately 5 days before it is gone and by February 22, 2024 the footage was no longer available," which is a blatant inconsistency and points to a coverup.

COUNT 1 - TITLE IX, 20 U.S.C. § 1681

(Plaintiffs v. Defendant Taylorville Community Unit School District #3)

41. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 40 as if fully restated.

42. Title IX of the Education Amendments of 1972 provides that "[n]o

person... 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).

43. At all relevant times, Defendant District was and is a recipient of federal funds.

44. Plaintiff Jane Doe was subjected to severe and pervasive harassment and abuse while a student at the District's school.

45. The harassment and abuse was based on Jane's sex.

46. The harassment and abuse was so pervasive and severe that it altered the conditions of Jane's education and created a hostile educational environment.

47. The District had actual knowledge of the harassment and abuse through multiple reports made by Jane's parents to school administrators, the school resource officer, and the school counselor.

48. Despite having actual knowledge, the District acted with deliberate indifference by failing to take appropriate action to address and prevent the ongoing harassment and abuse.

49. The District's deliberate indifference to the known harassment and abuse effectively barred Jane's access to educational opportunities and benefits.

50. As a direct and proximate result of the District's violations of Title IX, Jane has suffered and continues to suffer:

a. Severe emotional distress

b. Psychological trauma requiring ongoing therapeutic treatment

- c. Loss of educational opportunities
- d. Other damages to be proven at trial

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendant District, and award:

- a. Compensatory damages in an amount to be determined at trial;
- b. Injunctive relief requiring the District to implement appropriate policies and procedures to prevent future harassment and abuse;
- c. Attorneys' fees and costs;
- d. Such other relief as this Court deems just and proper.

**COUNT 2 - DEPRIVATION OF SUBSTANTIVE DUE PROCESS RIGHT TO
BODILY INTEGRITY VIA 42 U.S.C. § 1983**
(Plaintiffs v. All Defendants)

51. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 40 as if fully restated.

52. At all times, Plaintiff Jane Doe had a fundamental right to bodily integrity under the substantive due process protections of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

53. The Defendants, acting under color of state law, violated Jane's right to bodily integrity by:

- a. Failing to protect her from known harassment and abuse;
- b. Failing to implement adequate policies and procedures to prevent such abuse;
- c. Failing to properly train and supervise its employees regarding prevention of and

response to student abuse;

d. Demonstrating deliberate indifference to reports of ongoing abuse.

54. The Defendants' actions and inactions shock the conscience in that they involve a complete failure by school officials to protect a vulnerable minor student from known abuse.

55. As a direct and proximate result of the Defendants' constitutional violations, Jane has suffered and continues to suffer:

- a. Severe emotional distress
- b. Psychological trauma requiring ongoing therapeutic treatment
- c. Other damages to be proven at trial

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants, and award:

- a. Compensatory damages in an amount to be determined at trial;
- b. Injunctive relief;
- c. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
- d. Such other relief as this Court deems just and proper.

COUNT 3 – WILLFUL AND WANTON NEGLIGENCE
(Plaintiffs v. All Defendants)

56. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 40 as if fully restated.

57. Illinois case law holds that a school district's is responsible for child abuse

occurring on a school bus. *See Green v. Carlinville Community Unit SWch. Dist. No. 1*, 381 Ill.App.3d 207, 213 (4th Dist. 2008) (“[w]e conclude that school districts that operate school buses owe their students the highest degree of care to the same extent common carriers owe their passengers the highest degree of care. To hold that adults on public transportation buses are entitled to more protection than the most vulnerable members of our society—namely, children on a school bus—is ludicrous. In fact, holding a school district that buses children to such a high standard is more compelling than holding a common carrier to the same standard.”); *Garrett v. Grant Sch. Dist. No. 124*, 139 Ill.App.3d 569, 575 (1985) (same).

58. Defendant’s Student Discipline Code encompasses student acts occurring on the school bus and even off of school property, as follows:

BOUNDARIES FOR ENFORCEMENT OF STUDENT DISCIPLINE CODE

The Student Discipline Code shall be enforced on all school property, on the school bus, and at all extra-curricular activities. Additionally, in order to allow students to traverse to and from school property in a safe and orderly fashion, the Discipline Code shall apply to prohibited conduct occurring on property within 1,000 feet of school ground or prohibited conduct that is plainly visible to a person situated on school grounds, even if the misconduct occurs off of school property.

Taylorville Community Unit Sch. Dist. #3, Junior High / High School Student Discipline Code at 6. The same Code also prohibits “bus misconduct,” and prohibits bullying on school buses. *Id.* at 10, 13, 23, 33-35.

59. At all times relevant, Defendants had a duty to provide a safe, secure, and protective environment for students, including Jane Doe.

60. At all times relevant, Defendants had a duty to students to provide for the

highest degree of care, including the duty to discover and prevent danger to students and to protect them from the foreseeable dangerous conduct of dangerous students.

61. Notwithstanding the foregoing duties, Defendants committed one or more of the following willful and wanton actions and/or omissions in reckless or careless disregard for the safety and welfare of Jane Doe:

a. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to properly maintain supervision of Jane Doe at all times in accordance with the school's safety policies that would have prevented her from being sexually assaulted during bus rides by her fellow student;

b. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to properly enforce school disciplinary policies in a way that would have prevented the sexual assault on Jane Doe, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented the assault on Jane Doe;

c. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to properly enforce school policies in a way that would have prevented the sexual abuse of Jane Doe by her fellow student, including by subjecting the perpetrator to actual and/or threatened discipline for such acts in a way that would have prevented any future abuse of Jane Doe;

d. With an utter indifference and/or conscious disregard for the

safety of its student, Jane Doe, Defendants failed to provide a safe and secure educational environment for Jane Doe free from the prospect of and actual sex assault by a fellow student;

e. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to develop an effective safety plan that would allow Jane Doe to continue to pursue her education without being in fear of continuing sexual abuse in a way that would ensure Chadd Peden and Ashley Peden that Jane Doe would not suffer abuse;

f. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to enforce a code of conduct or other policies for the prevention of student-on-student sexual assault as happened in the case of the perpetrator's sexual assault on Jane Doe, and the prevention of student-on-student sexual abuse.

g. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to adequately supervise students to prevent sexual abuse on Jane.

h. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to properly train staff regarding prevention and reporting of sexual abuse in a way that would have prevented the abuse on Jane.

i. With an utter indifference and/or conscious disregard for the safety of

its student, Jane Doe, Defendants failed to implement adequate supervision policies and procedures of its students, including students with proclivities to engage in acts of sexual abuse on other students, in a way that would have prevented the abuse on Jane.

j. With an utter indifference and/or conscious disregard for the safety of its student, Jane Doe, Defendants failed to respond appropriately to reports of ongoing abuse, particularly regarding the perpetrator, in a way that would have prevented the abuse on Jane.

62. As a direct and proximate cause of one or more of the willful and wanton acts described herein, Defendants actually and proximately caused Jane Doe to be sexually assaulted by a fellow student, causing her severe psychological, educational, and emotional injuries, and resulting in the diminished ability to enjoy life.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants, and award:

- a. Compensatory damages in an amount to be determined at trial;
- b. Costs of suit;
- c. Such other relief as this Court deems just and proper.

COUNT 4 - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Plaintiffs v. All Defendants)

63. Plaintiffs restate, reallege, and incorporate by reference herein Paragraphs 1 through 40 as if fully restated.

64. The Defendants owed Jane a duty of care to protect her from foreseeable harm while under its supervision and control.

65. The Defendants breached this duty through negligent acts and omissions, including:

- a. Failing to prevent known harassment and abuse;
- b. Failing to respond appropriately to reports of abuse;
- c. Failing to implement adequate policies and procedures;
- d. Failing to properly train and supervise its employees.

66. The Defendants knew or should have known that this negligent conduct would cause Jane to suffer severe emotional distress.

67. As a direct and proximate result of the Defendants' negligence, Jane has suffered and continues to suffer:

- a. Severe emotional distress;
- b. Psychological trauma requiring treatment from multiple therapists;
- c. Anxiety and fear;
- d. Other emotional and psychological damages to be proven at trial.

68. The Defendants' conduct was willful and wanton, demonstrating a reckless disregard for Jane's emotional well-being.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants, and award:

- a. Compensatory damages in an amount to be determined at trial;

- b. Costs of suit;
- c. Such other relief as this Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, for all the foregoing reasons, Plaintiffs CHADD PEDEN and ASHLEY PEDEN, as parents and next friends of Jane Doe, a minor, respectfully request that this Honorable Court enter judgment in their favor and against Defendants TAYLORVILLE COMMUNITY UNIT SCHOOL DISTRICT #3 and DURHAM SCHOOL SERVICES, L.P., and order the following relief:

- a) Compensatory damages in an amount to be determined at trial for:
 - 1. Psychological and emotional trauma;
 - 2. Past and future medical and therapeutic expenses;
 - 3. Loss of educational opportunities and benefits;
 - 4. Pain and suffering;
 - 5. Mental anguish and emotional distress.
- b) Injunctive relief requiring Defendants to:
 - 1. Implement appropriate policies and procedures to prevent future harassment and abuse;
 - 2. Provide mandatory training for all staff regarding prevention and reporting of abuse;
 - 3. Establish clear protocols for responding to reports of harassment and abuse;
 - 4. Create oversight mechanisms to ensure compliance with policies and procedures;
- c) Reasonable attorneys' fees and costs pursuant to applicable law;

d) Interest as allowed by law; and,

e) Such other and further relief as this Court deems just and proper.

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

Ashley Peden and Chadd Peden,
individually and as parents and next
friends of Jane Doe, a minor

By: /s/ Cass T. Casper

One of Plaintiffs' Attorneys

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