

IN THE CIRCUIT COURT FOR ST. LOUIS COUNTY,
STATE OF MISSOURI

A.H., by and through his Mother, and Next)
of Friend, HEIDI HENSON,)

HEIDI HENSON, in her individual)
capacity)

and,)

JEREMY HENSON, in his individual)
capacity)

Plaintiffs,)

v.)

ROCKWOOD SCHOOL DISTRICT,)
Serve at:)
111 E. North St.)
Eureka, MO 63025)

and,)

SPECIAL SCHOOL DISTRICT OF ST.)
LOUIS COUNTY, MISSOURI)
Serve at:)
12110 Clayton)
St. Louis, MO 63131)

Defendants.)

Case No.

Div. No.

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff A.H., by and through his mother and next of friend Heidi Henson (“*A.H.*”), Heidi Henson in her individual capacity (“*H. Henson*”), and Jeremy Henson in his individual capacity (“*J. Henson*”) (collectively “*Plaintiffs*”) who brings their claims under the Missouri Human Rights Act, R.S.Mo. §213.010, *et. seq.*, for discrimination based on disability by Defendants Rockwood School District (“*Rockwood*”) and Special School District of St. Louis County, Missouri (“*SSD*”) (collectively “*Defendants*”). In support of his Petition, Plaintiffs state

the following:

PARTIES

1. Plaintiff A.H. is a minor child with disabilities and a Missouri citizen who resides with his parents in St. Louis, Missouri County.

2. Plaintiff A.H.’s birth date is August 12, 2014.

3. Plaintiff H. Henson is an adult female parent of minor A.H. and a resident of St. Louis County.

4. Plaintiff J. Henson is an adult male parent of minor A.H. and a resident of St. Louis County.

5. Rockwood is a public school district in St. Louis, Missouri, and is, therefore, a place of public accommodation under R.S.Mo. §213.010 (16).

6. SSD is a public school district in St. Louis, Missouri, and is, therefore, a place of public accommodation under R.S.Mo. §213.010 (16).

7. Plaintiff A.H. started kindergarten at Uthoff Valley Elementary School (“*Uthoff Valley*”) in 2020.

8. Uthoff Valley is an elementary school within Rockwood School District and SSD.

9. On September 6, 2023, Plaintiff A.H. began attending Kellison Elementary School (“*Kellison*”).

10. Kellison Elementary School is an elementary school within Rockwood School District and SSD.

VENUE AND PROCEDURAL BACKGROUND

11. Venue in this Court is proper because the allegations that gave rise to this action occurred in St. Louis County, Missouri.

12. On March 1, 2024, Plaintiff H. Henson, on behalf of A.H., filed a charge of discrimination

with the Missouri Commission on Human Rights (“*MCHR*”) alleging disability discrimination against SSD (“*Charge No. P-03/24-05493*”), and against Rockwood (“*Charge No. P-03/24-05494*”).

13. On March 1, 2024, Plaintiff J. Henson filed a charge of discrimination with the MCHR alleging disability discrimination for association with an individual with a disability against Rockwood (“*Charge No. P-03/24-05495*”) and against SSD (“*Charge No. P-03/24-05496*”).

14. On March 1, 2024, Plaintiff H. Henson filed a charge of discrimination with the MCHR, alleging disability discrimination for association with an individual with a disability against Rockwood (“*Charge No. P-03/24-05498*”) and against SSD (“*Charge No. P-03/24-05499*”).

15. April 29, 2024, Plaintiff H. Henson filed a second charge of discrimination with the MCHR against Rockwood (“*Charge No. P-03/24-054574*”) and against SSD (“*Charge No. P-04/24-05578*”).

16. On April 29, 2024, Plaintiff H. Henson, on behalf of A.H., filed a second charge of discrimination with the MCHR against SSD (“*Charge No. P-04/24-05578*”) and against Rockwood (“*Charge No. P-04/24-05576*”).

17. On April 29, 2024, Plaintiff J. Henson filed a second charge of discrimination with the MCHR against Rockwood (“*Charge No. P-04/24-05572*”) and against SSD (“*Charge No. P-04/24-05573*”).

18. On October 9, 2024, the MCHR issued a right to sue on Charge Nos. P-03/24-05493, P-03/24-05494, P-03/24-05496, and P-03/24-05498. See Exhibits 1-4 attached hereto.

19. Plaintiffs requested right to sue letters for Charge Nos. P-03/24-05499, P-03/24-05495, P-04/24-05572, and P-04/24-05578, and will amend this complaint to include the abovementioned right to sue upon receipt.

20. Plaintiffs filed this action within two years of the alleged discriminatory conduct and

90 days of receipt of the right-to-sue letter.

21. Plaintiffs complied with the administrative exhaustion requirements of the Missouri Human Rights Act as stated in R.S.Mo. §213.075.

LEGAL BACKGROUND

22. The Missouri Human Rights Act (“*MHRA*”) provides that all persons within the state’s jurisdiction are entitled to full and equal use and enjoyment of public accommodations without discrimination. Mo. Rev. Stat. § 213.065.1.

23. § 213.010(5) defines “discrimination” as any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability, or familial status as it relates to housing.

24. § 213.010(15) defines “places of public accommodation” as all places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages, or accommodations for the peace, comfort, health, welfare, and safety of the general public or such public places providing food, shelter, recreation, and amusement.

25. The MHRA provides a non-exclusive list of the types of places, businesses, and establishments the legislature intended to include within this definition. § 213.010(16)(a)-(f).

26. The Missouri Constitution mandates the establishment and maintenance of “free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one as prescribed by law.” Mo. Const. art. IX, §1(a).

27. As Defendants provide a public education to students in their district, Defendants are facilities that provide gratuitous instruction to minor Missouri citizens. That access to the school is subject to state law, and the enrollment restrictions do not defeat the public character of the school as it serves a subset of the public. *See Doe v. Kansas City*, 372 S.W.3d 43, 49-50, (Mo. App. W.D. 2012).

FACTUAL ALLEGATIONS

28. Plaintiff hereby incorporates the abovementioned paragraphs.

29. Plaintiff A.H. is a minor child with disabilities.

30. Specifically, Plaintiff A.H. has Autism Spectrum Disorder (“*ASD*”) and Attention Deficit Hyperactivity Disorder (“*ADHD*”).

31. Plaintiff A.H.’s diagnoses of ASD and ADHD substantially limit his major life activity of learning because he has great difficulty regulating his emotions, managing transitions, communicating effectively, controlling his impulses, and following directions.

32. Plaintiff A.H.’s disabilities affect daily life, particularly at school, in that Plaintiff A.H. has difficulty complying and attending to teacher directives; lacks the ability to be flexible; has difficulty exhibiting self-awareness and self-control; has difficulty regulating and controlling his body and voice when upset; has difficulty expressing negative emotions effectively at times with triggers; has difficulty communicating with peers and adults; lacks the ability to understand others’ perspectives; has difficulty processing sensory output; struggles to regulate his body temperature and has is unusually susceptible to hot and cold temperatures; and experiences physical discomfort in a magnified way that requires immediate attention.

33. One of the ways Plaintiff A.H.’s medical diagnoses of ADHD and ASD manifests is through involuntary aggressive acts – including hitting or kicking teachers or other staff.¹

34. These acts are not intentionally disrespectful but are symptomatic of Plaintiff’s disabilities.

35. Plaintiff A.H.’s physicians opined that Plaintiff A.H.’s tendency to hit others when he becomes agitated is a symptom of his ADHD and ASD.

¹ “One of the hallmarks of autism is that the behavioral issues associated with it are involuntary.” *D.L. v. St. Louis City Sch. Dist.*, 950 F.3d 1057, 1064 (8th Cir. 2020).

36. At all times herein, Rockwood and SSD knew or should have known that physically aggressive acts are a symptom of Plaintiff A.H.'s disabilities.

37. [REDACTED] and [REDACTED] provide treatment to Plaintiff A.H. due to his disabilities.

38. Both doctors have corresponded with Defendants regarding the accommodations necessary for Plaintiff to access his education.

39. At all relevant times, Defendants were aware of Plaintiff A.H.'s disabilities.

40. At all relevant times, Plaintiff A.H. can access and receive an education with reasonable accommodation.

A. Defendants Excluded Plaintiff A.H. Multiple Times from Institutional Education to Punish Plaintiff A.H. for Behaviors Consistent with his Disabilities.

41. In January 2023, Rockwood and SSD suspended Plaintiff A.H. for 1.5 days for hitting a teacher.

42. On March 31, 2023, Rockwood and SSD suspended Plaintiff A.H. for three days for hitting a teacher.

43. On May 23, 2023, Rockwood and SSD suspended Plaintiff A.H. for three days for hitting.

44. On June 9, 2023, Rockwood and SSD suspended Plaintiff A.H. for one day.

45. On August 21, 2023, Rockwood and SSD suspended Plaintiff A.H. for five days for hitting a teacher and a police officer.

46. During the incident on August 21, 2023, Plaintiff A.H. became agitated and started melting down as a symptom of his disabilities.

47. Rockwood and SSD called a police officer to help restrain Plaintiff A.H.

48. On August 21, 2023, [REDACTED] the principal at Uthoff Valley,

threatened J. Henson and H. Henson with expulsion and criminal charges.

49. On September 12, 2023, Rockwood and SSD suspended Plaintiff A.H. from school for .32 days after an incident where he struck a staff member.

50. On October 6, 2023, Rockwood and SSD suspended Plaintiff A.H. for 5.6 days after an incident where he struck his special education teacher.

51. On October 17, 2023, Rockwood and SSD determined that they should not have suspended Plaintiff A.H. on October 6, 2023, because it was a punishment for behaviors consistent with Plaintiff A.H.'s disability.

52. However, because of the timing of the meeting, Plaintiff A.H. still had to serve the entirety of the 5.6 days of suspension.

53. On October 20, 2023, Rockwood and SSD suspended Plaintiff A.H. for 5.49 days after he struck multiple staff members.

54. When H. Henson picked A.H. up from school on October 20, 2023, H. Henson asked questions about the incident that led to the suspension and pointed out that the behaviors were a manifestation of A.H.'s disability.

55. After H. Henson pointed out that the behaviors were a manifestation of A.H.'s disability, SSD's Area Coordinator, [REDACTED] told H. Henson that she could no longer speak to teachers and staff involved in any incidents leading to suspension and that the principal, [REDACTED] would relay all future communications regarding incidents leading to suspension.

56. On October 26, 2023, Rockwood and SSD determined that they should not have suspended A.H. because the October 20, 2023, suspension was a punishment for behaviors consistent with Plaintiff A.H.'s disability.

57. On November 14, Plaintiff A.H.'s physician, [REDACTED], wrote a letter stating that

Plaintiff A.H.'s "maladaptive outbursts are related to his underlying behavioral diagnoses" and opined that Plaintiff A.H. should not receive suspensions as punishment for these behaviors.

58. H. Henson and J. Henson shared this letter with Rockwood and SSD.

59. On December 15, 2023, Rockwood and SSD suspended Plaintiff A.H. for three days (or until the end of the fall semester and the start of winter break) for striking a teacher.

60. On December 20, 2023, Rockwood and SSD determined that they should not have suspended A.H. because the December 15, 2023, suspension was a punishment for behaviors consistent with Plaintiff A.H.'s disability.

61. However, Plaintiff A.H. already had served the three-day suspension before Defendants made their determination.

62. Because Plaintiff A.H. missed the last three days of the fall semester, even though Defendants determined the suspension was punishment for behaviors consistent with his disability, Plaintiff A.H. did not get to attend any of the end-of-the-year holiday parties, which Plaintiff A.H. was looking forward to and excited to attend.

63. On January 30, 2024, Defendants suspended Plaintiff A.H. for a minimum of ten days with a recommendation to the school superintendent for additional days of suspension.

64. In January 2024, Plaintiff A.H. began seeing the school counselor for making suicidal remarks.

65. These remarks became more frequent at home since January 2024.

66. On February 2, 2024, Plaintiff A.H.'s physician, [REDACTED], gave their Parents a letter in which he diagnosed Plaintiff A.H. with major depressive disorder and possibly post-traumatic stress disorder ("**PTSD**").

67. Upon information and belief, Plaintiff A.H. developed PTSD as a result of his experiences at Uthoff and Kellison.

68. On February 13, 2024, Rockwood and SSD gave H. Henson and J. Henson a letter informing them that they extended Plaintiff A.H.'s suspension until March 15, 2024.

69. On February 14, 2024, Rockwood and SSD determined that they should not have suspended Plaintiff A.H. because it was a punishment for behaviors consistent with Plaintiff A.H.'s disability.

70. On February 26, 2024, Defendants suspended Plaintiff A.H. for 5.21 days for assault.

71. Defendants later concluded that they imposed the February 26, 2024 suspension as punishment for behaviors consistent with Plaintiff A.H.'s disability. However, Plaintiff A.H. served almost the full amount of time for his suspension due to the time it took Defendants to make the conclusion.

72. Between January 2023 and February 2024, H. Henson and J. Henson expressed their belief that Rockwood and SSD's continued practice of suspending Plaintiff A.H. as punishment for behaviors consistent with his disability was a form of discrimination.

73. For each of A.H.'s many suspensions, H. Henson and J. Henson would have to pick A.H. up from school and either stay home with him or arrange childcare for his periods of suspension.

74. Picking A.H. up early from school and staying with him at home during the excess of forty days of suspension Rockwood and SSD wrongfully imposed on A.H. has caused great hardship to Plaintiffs.

75. These late manifestation meetings were so the Defendants could avoid the requirement not to suspend children for behaviors associated with their disabilities.

76. During the suspensions, Defendants did not adequately provide instructional education to Plaintiff A.H., causing regression.

77. Defendants excluded Plaintiff A.H. from academic instruction due to Plaintiff A.H.'s

disabilities.

78. On March 13, 2024, Plaintiff A.H. began medical homebound.

79. During medical homebound, Defendants did not adequately provide instructional education and services to Plaintiff A.H., causing regression.

80. Defendants again excluded Plaintiff A.H. from academic instruction due to Plaintiff A.H.'s disabilities.

B. Revocation of the Limited School Choice Application as Retaliation

81. Plaintiff A.H. started kindergarten at Uthoff Valley Elementary School ("*Uthoff Valley*") in 2020.

82. On or about August 25, 2023, H. Henson and J. Henson submitted a Limited School Choice Application requesting that Plaintiff A.H. transfer from Uthoff Valley to Kellison.

83. Both Uthoff Valley and Kellison are elementary schools within Defendants.

84. H. Henson and J. Henson did not want Plaintiff A.H. to attend Uthoff Valley anymore due to a series of bad experiences that caused Plaintiff A.H. to have severe negative associations with Uthoff Valley and its teachers.

85. Rockwood and SSD approved the Limited School Choice application on or about August 31, 2023.

86. Plaintiff A.H. began attending Kellison on September 6, 2023.

87. On February 13, 2024, H. Henson and J. Henson received a letter from Rockwood and SSD regarding Plaintiff A.H.'s January 30, 2024, suspension.

88. The letter also informed H. Henson and J. Henson that the Defendants were revoking the Limited Choice Request and that Plaintiff A.H. must return to his original educational placement at Uthoff Valley Elementary School.

89. At the February 14, 2024 meeting, wherein Rockwood and SSD determined that they

imposed the January 30, 2024 suspension as punishment for behaviors consistent with Plaintiff A.H.'s disability, Defendants informed H. Henson and J. Henson that Plaintiff A.H. was still required to return to Uthoff Valley on March 25, 2024, after spring break.

90. On February 23, 2024, H. Henson and J. Henson filed a written complaint on behalf of A.H. against Rockwood and SSD.

91. On February 26, 2024, Defendants sent Plaintiff A.H. to the school counselor.

92. A.H. later became agitated and hit a staff member and the principal.

93. When H. Henson picked Plaintiff A.H. up, Defendants informed her that they suspended A.H.

94. H. Henson noted that A.H. had scratches on his face and forearm.

95. Dickens informed H. Henson that she would call her and provide a verbal account of the incident.

96. Dickens did not call H. Henson to provide a verbal account of the incident.

97. Instead, [REDACTED] called Plaintiffs the next day to inform them that Defendants suspended A.H. for five days.

C. Use of Padded Blue Mat to Restrain and Seclude Plaintiff A.H.

98. On March 15, 2023, H. Henson and J. Henson learned for the first time that Rockwood and SSD used a padded blue mat to restrain and seclude Plaintiff A.H. when he was agitated and melting down due to his disability.

99. When utilizing the padded blue mat, Rockwood and SSD would hold it against Plaintiff A.H.'s body, sometimes pressing it against a wall to trap Plaintiff A.H. between the mat and the wall, restraining his limbs and preventing his movement.

100. Upon information and belief, Rockwood and SSD used the padded blue mat to restrain and seclude Plaintiff A.H. prior to March 15, 2023, without H. Henson and J. Henson's

knowledge.

101. H. Henson and J. Henson repeatedly asked Rockwood and SSD not to use the padded blue mat to restrain and seclude Plaintiff A.H. because using the mat traumatized Plaintiff A.H. and exacerbated the symptoms of his disabilities.

102. However, upon information and belief, Rockwood and SSD used or attempted to use the padded blue mat to restrain and seclude Plaintiff A.H. for each incident, leading to suspensions between March 2023 and February 2024.

**COUNT I: DISABILITY DISCRIMINATION AGAINST PLAINTIFF A.H. IN
VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT**

103. Plaintiffs hereby incorporate the facts noted above.

104. At all relevant times, Defendants were places of public accommodation under R.S.Mo. §213.010 (16).

105. Plaintiff A.H.'s disabilities significantly impact his major life activities.

106. Plaintiff is disabled under the Missouri Human Rights Act, R.S.Mo. §213.010, *et. seq.*

107. At all relevant times, as described in more detail above, Defendants discriminated against Plaintiff A.H. due to his disabilities.

108. Upon information and belief, Defendants imposed all of Plaintiff A.H.'s suspensions as punishment for Plaintiff A.H. hitting or kicking teachers or other staff members, and these behaviors are symptoms of his disabilities, namely ASD.

109. Rockwood and SSD knew or should have known that hitting or kicking teachers or other staff members is not an intentional or voluntary act on Plaintiff A.H.'s part, but rather, it is a symptom of his disability.

110. Nevertheless, Rockwood and SSD continued its pattern and practice of suspending Plaintiff A.H. for behaviors consistent with his disability even *after* it determined on four separate

occasions that hitting and kicking his teachers or other staff members was a symptom of his disability.

111. Based on the foregoing, Rockwood and SSD suspended Plaintiff A.H. because of his disability, and these suspensions are a form of discrimination on the basis of disability within the meaning of the MHRA.

112. Rockwood and SSD continued its pattern and practice of suspending A.H. for behaviors consistent with his disability even *after* Defendants determined on four separate occasions that the behaviors in question were symptoms of his disability.

113. Based on the foregoing, Rockwood and SSD revoked Plaintiff A.H.'s Limited School Choice Application as punishment for his behaviors consistent with his disabilities.

114. Based on the foregoing, Rockwood and SSD discriminated against Plaintiff A.H. because of his disability by restraining and secluding him with the padded blue mat to punish Plaintiff A.H. for behaviors consistent with his disability.

115. Because of Plaintiff A.H.'s disabilities, Rockwood and SSD have consistently attempted to push Plaintiff A.H. out of Rockwood and SSD by constantly changing his educational placement – despite the fact that disruption to Plaintiff A.H.'s routine causes him significant distress and dysregulation.

116. Based on the foregoing, Rockwood and SSD Defendants did not adequately provide instructional education and services to Plaintiff A.H. during medical homebound due to his disability.

117. Based on the foregoing, Rockwood and SSD excluded A.H. from academic instruction because of his disability.

118. Based on the foregoing, Rockwood and SSD refused to hold manifestation meetings until the end or well into the suspension periods to get around the requirement to not suspend

children for behavior associated with their disability.

119. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff's right to be free from discrimination.

120. As a direct and proximate result of the above-described acts, Plaintiff A.H. has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Plaintiff also has been and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life. Plaintiff also has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

121. Pursuant to R.S.Mo. § 213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

122. At the time of Defendants' misconduct, Defendants knew their actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiffs' right to be free from discrimination and retaliation. Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

123. Plaintiff requests a trial by jury on all issues triable by jury.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

COUNT II: DISABILITY DISCRIMINATION FOR FAILURE TO ACCOMMODATE

124. Plaintiffs hereby incorporate the facts noted above.

125. At all relevant times, Defendants were places of public accommodation under

R.S.Mo. §213.010 (16).

126. Plaintiff A.H.'s disabilities significantly impact his major life activities.

127. Plaintiff is disabled under the Missouri Human Rights Act, R.S.Mo. §213.010, *et. seq.*

128. Plaintiffs requested the reasonable accommodation of not to use the padded blue mat to restrain and seclude Plaintiff A.H. because using the mat traumatized Plaintiff A.H. and exacerbated the symptoms of his disabilities.

129. This reasonable accommodation did not impose an undue hardship on Defendants.

130. Despite Plaintiffs' request for Defendants to abstain from using the padded blue mat to restrain and seclude Plaintiff A.H., Defendants continued to use or attempted to use the padded blue mat to restrain and seclude Plaintiff A.H. for each incident, leading to suspensions between March 2023 and February 2024.

131. Based on the foregoing, Rockwood and SSD discriminated against Plaintiff A.H. because of his disability by denying Plaintiffs the reasonable accommodation of not restraining and secluding Plaintiff A.H. with the padded blue mat to punish Plaintiff A.H. for behaviors consistent with his disability.

132. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff's right to be free from discrimination.

133. As a direct and proximate result of the above-described acts, Plaintiff A.H. has suffered and will continue to suffer pain of mind and body, PTSD, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Plaintiff also has been and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life. Plaintiff also has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

134. Pursuant to R.S.Mo. § 213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

135. At the time of Defendants' misconduct, Defendants knew their actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiffs' right to be free from discrimination and retaliation. Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

136. Plaintiff requests a trial by jury on all issues triable by jury.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

COUNT III Violation of Mo. Rev. Stat. 213.010 et seq. Disability Discrimination for Plaintiffs J. Henson and H. Henson for Association with an Individual with A Disability

137. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.

138. At all relevant times, Defendants were places of public accommodation under R.S.Mo. §213.010 (16).

139. Plaintiff H. Henson is associated with an individual who has a disability, her son Plaintiff A.H.

140. Plaintiff J. Henson is associated with an individual who has a disability, his son Plaintiff A.H.

141. Specifically, Plaintiff A.H. has ASD and ADHD.

142. Plaintiff A.H.'s diagnoses of ASD and ADHD substantially limit his major life

activity of learning because he has great difficulty regulating his emotions, managing transitions, communicating effectively, controlling his impulses, and following directions.

143. In the case of Plaintiff A.H. and the context of his medical diagnosis of Autism, physically aggressive acts – including hitting or kicking teachers or other staff – are not voluntary and intentionally disrespectful acts but rather are symptomatic of Plaintiff A.H.’s disabilities.

144. “One of the hallmarks of autism is that the behavioral issues associated with it are involuntary.” *D.L. v. St. Louis City Sch. Dist.*, 950 F.3d 1057, 1064 (8th Cir. 2020).

145. Upon information and belief, Defendants imposed all of Plaintiff A.H.’s suspensions as punishment for A.H.’s disabilities and Plaintiff H. Henson’s association with Plaintiff A.H.

146. Upon information and belief, Defendants imposed all of Plaintiff A.H.’s suspensions as punishment for A.H.’s disabilities and Plaintiff J. Henson’s association with Plaintiff A.H.

147. Because of Plaintiff H. Henson’s association with an individual with a disability and his complaints about disability discrimination on the individual’s behalf, Rockwood and SSD continued its pattern and practice of suspending Plaintiff A.H. for behaviors consistent with his disability even *after* it determined on four separate occasions that hitting and kicking his teachers or other staff members was a symptom of his disability.

148. Because of Plaintiff J. Henson’s association with an individual with a disability and his complaints about disability discrimination on the individual’s behalf, Rockwood and SSD continued its pattern and practice of suspending Plaintiff A.H. for behaviors consistent with his disability even *after* it determined on four separate occasions that hitting and kicking his teachers or other staff members was a symptom of his disability.

149. This pattern of suspension caused great hardship and inconvenience to Plaintiffs H. Henson and J. Henson.

150. Based on the foregoing, Rockwood and SSD revoked Plaintiff A.H.’s Limited

School Choice Application as punishment for H. Henson's statements to Rockwood and SSD that they believed the multitude of suspensions was a form of disability discrimination and their association with an individual with a disability.

151. Based on the foregoing, Rockwood and SSD revoked Plaintiff A.H.'s Limited School Choice Application as punishment for J. Henson's statements to Rockwood and SSD that they believed the multitude of suspensions were a form of disability discrimination and for the written complaint H. Henson and J. Henson filed against Rockwood and SSD.

152. Based on the foregoing, Rockwood and SSD discriminated against J. Henson based on his association with Plaintiff A.H., a disabled person, by restraining and secluding Plaintiff A.H. with the padded blue mat over Plaintiff J. Henson's objections and by repeatedly imposing discriminatory suspensions on Plaintiff A.H., causing Plaintiff J. Henson great hardship.

153. Based on the foregoing, Rockwood and SSD discriminated against H. Henson based on her association with Plaintiff A.H., a disabled person, by restraining and secluding Plaintiff A.H. with the padded blue mat over Plaintiff H. Henson's objections and by repeatedly imposing discriminatory suspensions on Plaintiff A.H., causing Plaintiff H. Henson great hardship.

154. Because of Plaintiff H. Henson's association with his disabled son, Defendants consistently attempted to push Plaintiff A.H. out of Rockwood and SSD by constantly changing his educational placement, causing Plaintiff H. Henson emotional distress, and having to take time off work to take care of his child.

155. Because of Plaintiff J. Henson's association with her disabled son, Defendants consistently attempted to push Plaintiff A.H. out of Rockwood and SSD by constantly changing his educational placement, causing Plaintiff J. Henson emotional distress, and having to take time off work to take care of her child.

156. Based on the foregoing, Rockwood and SSD Defendants did not adequately provide

instructional education and services to Plaintiff A.H. during medical homebound due to his disability and Plaintiffs H. Henson and J. Henson's association with Plaintiff A.H., which is a form of discrimination on the basis of disability within the meaning of the MHRA.

157. Based on the foregoing, Rockwood and SSD excluded Plaintiff A.H. from academic instruction because of his disability and Plaintiffs H. Henson and J. Henson's association with Plaintiff A.H., which is a form of discrimination on the basis of disability within the meaning of the MHRA.

158. Based on the foregoing, Rockwood and SSD refused to hold manifestation meetings until the end or well into the suspension periods to get around the requirement to not suspend children for behavior associated with their disability and Plaintiffs H. Henson and J. Henson's association with Plaintiff A.H., which is a form of discrimination on the basis of disability and retaliation within the meaning of the MHRA.

159. Rockwood and SSD's attempts to push Plaintiff A.H. out of Rockwood and SSD have caused great emotional distress, pain, and inconvenience to Plaintiffs.

160. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff H. Henson's right to be free from discrimination.

161. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff J. Henson's right to be free from discrimination.

162. As a direct and proximate result of the above-described acts, Plaintiff H. Henson has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

163. As a direct and proximate result of the above-described acts, Plaintiff J. Henson has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

164. As a direct and proximate result of the above-described acts, Plaintiff J. Henson has suffered loss of income due to taking off work.

165. Pursuant to R.S.Mo. § 213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

166. At the time of Defendants' misconduct, Defendants knew their actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiffs' right to be free from discrimination and retaliation. Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

167. Plaintiff requests a trial by jury on all issues triable by jury.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

COUNT IV: Retaliation in Violation of the Missouri Human Rights Act

168. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs as if fully set forth herein.

169. Upon information and belief, Defendants suspended A.H. as punishment for Plaintiff A.H.'s disabilities, Plaintiff H. Henson, and J. Henson's association with Plaintiff A.H., and in retaliation for Plaintiffs advocating for an individual with disabilities.

170. Because of Plaintiff H. Henson's complaints about disability discrimination on the individual's behalf, Rockwood and SSD continued its pattern and practice of suspending Plaintiff

A.H. for behaviors consistent with his disability even *after* it determined on four separate occasions that hitting and kicking his teachers or other staff members was a symptom of his disability.

171. Because of Plaintiff J. Henson's complaints about disability discrimination on the individual's behalf, Rockwood and SSD continued its pattern and practice of suspending Plaintiff A.H. for behaviors consistent with his disability even *after* it determined on four separate occasions that hitting and kicking his teachers or other staff members was a symptom of his disability.

172. This pattern of suspension caused great hardship and inconvenience to Plaintiffs.

173. Based on the foregoing, Rockwood and SSD suspended Plaintiff A.H. on February 26, 2024, as retaliation for the written complaint Plaintiffs filed.

174. Based on the foregoing, Rockwood and SSD revoked Plaintiff A.H.'s Limited School Choice Application as punishment for Plaintiffs' statements to Rockwood and SSD that they believed the multitude of suspensions were a form of disability discrimination and for the written complaint Plaintiffs filed against Rockwood and SSD.

175. Because of Plaintiffs' complaints about the discrimination of Plaintiff A.H. due to his disability, Rockwood and SSD consistently attempted to push A.H. out of Rockwood and SSD by constantly changing his educational placement, causing Plaintiffs emotional distress.

176. Rockwood and SSD's attempts to push Plaintiff A.H. out of Rockwood and SSD have caused great emotional distress, pain, and inconvenience to Plaintiffs.

177. Based on the foregoing, Rockwood and SSD suspended Plaintiff A.H. because of Plaintiffs' complaints about discrimination, which is a form of retaliation within the meaning of the MHRA.

178. Based on the foregoing, Rockwood and SSD Defendants did not adequately provide instructional education and services to Plaintiff A.H. during medical homebound because of Plaintiffs' complaints about discrimination, which is a form of retaliation within the meaning of the

MHRA.

179. Based on the foregoing, Rockwood and SSD excluded Plaintiff A.H. from academic instruction because of Plaintiffs' complaints about discrimination, which is a form of retaliation within the meaning of the MHRA.

180. Based on the foregoing, Rockwood and SSD refused to hold manifestation meetings until the end or well into the suspension periods to get around the requirement to not suspend children for behavior associated with their disability because of Plaintiffs' complaints about discrimination, which is a form of retaliation within the meaning of the MHRA.

181. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff A.H.'s right to be free from discrimination.

182. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff H. Henson's right to be free from discrimination.

183. Defendants' actions were undertaken maliciously or in reckless disregard for Plaintiff J. Henson's right to be free from discrimination.

184. Given Defendants' willful and malicious conduct, Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time as outlined by R.S. Mo. § 510.261.

185. As a direct and proximate result of the above-described acts, Plaintiff A.H. has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

186. As a direct and proximate result of the above-described acts, Plaintiff H. Henson has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

187. As a direct and proximate result of the above-described acts, Plaintiff J. Henson has suffered and will continue to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

188. Plaintiff requests a trial by jury on all issues triable by jury.

189. Pursuant to R.S.Mo. § 213.111(2), Plaintiffs seek actual damages, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, other nonpecuniary losses, punitive damages against Defendant, and attorney's fees and costs.

190. At the time of Defendants' misconduct, Defendants knew their actions were outrageous, unlawful, and were undertaken maliciously and/or in reckless disregard for Plaintiffs' right to be free from discrimination and retaliation. Plaintiffs will seek leave of Court to file a claim for punitive damages at the appropriate time outlined by R.S.Mo. § 510.261.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, awarding emotional distress damages, compensatory damages, pre-and post-judgment interest, and attorney's fees and costs, as well as any other relief this Court deems may be just and proper.

Respectfully submitted,

/s/ Sarah Jane Hunt

Sarah Jane Hunt #63899

Nicole A. Matlock, 66894

Michelle Faron, 68058 Kennedy
Hunt, P.C.

4500 West Pine Blvd.

St. Louis, MO, 63108

314-872-9041 telephone

314-872-9043 fax

sarahjane@kennedyhuntlaw.com

nmatlock@kennedyhuntlaw.com

michelle@kennedyhuntlaw.com

