IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF ILLINOIS

VALERIE STRUTHERS, as Next friend on behalf of her minor son, E.S., and in her Individual capacity,	)	
Plaintiffs,	)	**Case No.:** 2025LA58
vs.	)	
CARBONDALE COMMUNITY HIGH SCHOOL DISTRICT 165, BOARD OF EDUCATION	)	**JURY TRIAL DEMANDED**
Defendants.	)	

COMPLAINT

Plaintiffs Valerie Struthers ("***Struthers***"), both individually and on behalf of her minor child E.S. ("***E.S.***" or "***Student***") (collectively **"*Plaintiffs***"), through their legal representatives, hereby submit this Complaint pursuant to Section 504 of the Rehabilitation Act ("***Section 504***"), 29 U.S.C. § 794 et seq., the Americans with Disabilities Act of 1990 ("***ADA***"), 42 U.S.C. §§ 12101 et seq., and the Illinois Human Rights Act ("***IHRA***"), 775 ILCS 5/1-101 et seq., alleging disability discrimination by Defendant Carbondale Community High School District 165, Board of Education ("***District 165***" or "***Defendant***"). The Plaintiffs also seek an award of monetary damages, attorneys' fees, and costs. Plaintiffs make the following statements in support of their claims.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to Article VI, Section 9 of the Illinois Constitution and 735 ILCS 5/2-101, in that this matter is a civil action properly brought before the Circuit Court of Jackson County, Illinois.

2. Venue is proper in Jackson County under 735 ILCS 5/2-101, because the Defendant resides in this county, and/or the transactions and occurrences giving rise to the claims alleged herein took place in Jackson County, Illinois.

3. Plaintiffs bring these claims under Section 504, ADA, IHRA, and related statutes, and not under the IDEA. Plaintiffs seek damages not available under the IDEA. Accordingly, exhaustion of IDEA administrative remedies is not required or has been satisfied/waived.

PARTIES

4. Plaintiff E.S. is a minor child diagnosed with disabilities who resides with Struthers in Carbondale, Illinois.

5. E.S. is a qualified individual with a disability under Section 504, the ADA, and the IHRA.

6. Struthers is the mother of Plaintiff E.S. and a resident of Carbondale, IL.

7. E.S. is a student as defined by IHRA.

8. District 165 is the governmental unit responsible for administering public special education programs, services, and schools within its jurisdiction.

9. District 165 is a public entity and therefore a covered entity under the ADA.

10. District 165 receives federal financial assistance and is therefore a covered entity subject to the requirements of Section 504.

11. District 165 is a place of public accommodation as defined by IHRA.

12. District 165 is an institution of elementary, secondary, or higher education as defined by IHRA.

13. Section 504, the ADA, and the IHRA prohibit public school districts from discriminating against students with disabilities and similarly require the provision of reasonable modifications to ensure equal access to educational programs and services.

14. The President of the Board of Education of District 165 is Julie VanWinkle, the Superintendent of District 165 is Mr. Daniel Booth, and its principal place of business is 1301 E. Walnut St., Carbondale, IL 62901.

FACTUAL BACKGROUND

15. At all relevant times, Plaintiffs lived within the district of District 165.

16. At all relevant times, Plaintiff E.S. had ADHD, Juvenile Huntington's Disease, Dyslexia, Learning disabilities, cognitive decline, speech needs, anxiety, restless sleep, and limb movement disorder.

17. These disabilities substantially limit one or more major life activities, including learning, reading, writing, concentrating, emotional regulation, fine motor skills, and communication.

18. At all relevant times, Plaintiff E.S. could access his education with reasonable accommodation.

19. At all relevant times, District 165 was aware of Plaintiff E.S.'s disabilities and/or regarded him as disabled.

20. At all relevant times, District 165 was aware that Struthers was associated with and the mother of Plaintiff E.S., an individual with disabilities.

21. While enrolled at Carbondale Elementary School District 95 ("Carbondale Elementary"), Carbondale Elementary denied E.S. appropriate accommodations, limited recognition of his disability to ADHD, and refused further support.

22. As a result, E.S. earned low grades, failed multiple classes, scored at the lowest levels in standardized testing, and fell to the 9th percentile in reading.

23. As a result of the denial of accommodations, E.S. experienced educational regression.

24. On May 5, 2023, before E.S. entered high school, Struthers, Carbondale Elementary, and District 165 met to discuss E.S.'s disabilities and need for accommodations.

25. At the meeting on May 5, 2023, a teacher estimated E.S. was reading at a fourth-grade level.

26. Struthers requested accommodations including: one-to-one support, modified assignments, avoidance of computerized work, preferential seating, highly structured learning, simplified instructions, extended time, teacher-provided outlines, organizational counseling, and smaller class sizes.

27. Despite medical documentation and E.S.'s low academic performance, District 165 refused to implement these accommodations, acknowledging only ADHD and disregarding documented diagnoses of additional disabilities.

28. Struthers requested to hold E.S. back a year to improve academically. Carbondale Elementary refused this request.

29. Due to District 165's refusal to provide accommodations, Struthers enrolled E.S. at Brehm Preparatory School, a therapeutic day school recommended by his neuropsychologist.

30. In the summer of 2023, Dr. Michelle Kibby, a neuropsychologist and professor at Southern Illinois University, evaluated E.S.

31. Dr. Kibby diagnosed E.S. with specific learning disabilities in reading, writing, and math, ADHD, and developmental coordination disorder, and recommended daily structured literacy, collaborative speech services, and placement at a specialized school such as Brehm.

32. Despite receiving Dr. Kibby's evaluation, District 165 rejected her recommendations and denied accommodations.

33. E.S. earned As and Bs with one-on-one support and demonstrated documented academic gains at Brehm.

34. In Fall 2024, E.S. was diagnosed with Juvenile Huntington's Disease.

35. On November 15, 2024, Struthers provided District 165 a letter from E.S.'s neurologist, Dr. Viehoever, recommending continued placement at Brehm as a reasonable accommodation.

36. On February 3, 2025, District 165, Brehm staff, Struthers, and a medical social worker met to discuss accommodations. District 165 denied the recommended accommodation.

37. Based on District 165's denial of the reasonable accommodation, E.S. has low academic performance, denying E.S. meaningful and equal access to education.

38. District 165's denial of accommodations denied E.S. equal access to education.

39. Struthers consistently advocated for accommodations on behalf of her son, including filing complaints with state authorities.

40. District 165 retaliated against Struthers because of her advocacy and association with a person with a disability by disregarding her concerns, refusing to allow meaningful participation, adding expense to have her child educated in an alternative location, causing emotional distress, and continuing to deny medical recommendations.

41. As a direct result of District 165's actions, E.S. suffered educational loss, developmental harm, and emotional distress.

42. As a direct result of District 165's actions, Struthers suffered emotional distress, monetary damages, and the loss of educational opportunity for her child.

COUNT I: SECTION 504 OF THE REHABILITATION ACT AGAINST DISTRICT 165

43. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

44. At all relevant times, E.S. was an individual with a disability within the meaning of Section 504.

45. E.S. has multiple diagnosed disabilities, including ADHD, dyslexia, specific learning disabilities, developmental coordination disorder, and Juvenile Huntington's Disease.

46. These disabilities substantially limit major life activities, such as learning, reading, concentrating, emotional regulation, and communication.

47. At all relevant times, E.S. was otherwise qualified to participate in and benefit from educational services provided by District 165, provided District 165 provided him reasonable accommodations.

48. E.S. can receive an education if provided reasonable accommodations, as demonstrated by his success at Brehm with one-on-one support and structured instruction.

49. District 165 receives federal financial assistance and is subject to the requirements of Section 504.

50. Despite medical documentation, professional evaluations, and repeated requests for accommodations, District 165 denied E.S. access to equal educational opportunities.

51. District refused to recognize or accommodate disabilities beyond ADHD, denied accommodations recommended by medical professionals, rejected Dr. Kibby's neuropsychological evaluation, and ignored neurologist Dr. Viehoever's letter recommending continued placement at Brehm.

52. District 165's deliberate indifference is further evidence by disregarding medical evaluations, rejecting professional recommendations, and refusing to provide accommodations necessary for E.S. to access his education.

53. District 165's deliberate indifference is further evidenced by its repeated rejection of professional medical evaluations and documented educational needs.

54. As a direct and proximate result of District 165's conduct, E.S. suffered damages, including loss of educational opportunity, emotional distress, developmental harm, and monetary losses.

WHEREFORE, Plaintiffs pray as follows:

a. Declare District's conduct unlawfully discriminated against E.S. and violated Section 504;

b. Award E.S. such monetary damages as would fully compensate him for his injuries caused by the District's actions;

c. Award E.S. reasonable costs, expenses, attorney's fees, and prejudgment interest as permitted by the law, and for all costs, expenses, fees, and pre- and post-judgment interest associated with bringing this action; and

d. For such other and further relief as the Court deems just and proper.

COUNT II: VIOLATION OF THE AMERICANS WITH DISABILITY ACT AGAINST DISTRICT 165 FOR DISABILITY DISCRIMINATION BY THE DISTRICT AGAINST E.S.

55. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

56. The ADA provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

57. At all relevant times, E.S. was an individual with a disability within the meaning of the ADA.

58. At all relevant times, E.S. was otherwise qualified to participate in and receive the benefits of educational services provided by District 165.

59. District 165 is a public entity subject to the ADA requirements at all relevant times.

60. District 165 discriminated against E.S. on the basis of disability by:

a. refusing to provide reasonable accommodations necessary for him to access his education;

b. disregarding professional evaluations and recommendations from his neuropsychologist and neurologist; and

c. denying him meaningful access to educational services and programs.

61. District 165's conduct was intentional, or at a minimum, constituted deliberate indifference or reckless disregard for E.S.'s federally protected rights under the ADA.

62. As a direct and proximate result of District 165's unlawful conduct, E.S. suffered damages, including loss of educational opportunity, developmental harm, and emotional distress.

WHEREFORE, Plaintiffs pray as follows:

a. Declare District's conduct unlawfully discriminated against E.S. and violated the ADA;

b. Award E.S. such monetary damages as would fully compensate him for his injuries caused by the District's actions;

c. Award E.S. reasonable costs, expenses, attorney's fees, and prejudgment interest as permitted by the law, and for all costs, expenses, fees, and pre- and post-judgment interest associated with bringing this action; and

d. For such other and further relief as the Court deems just and proper.

COUNT III: VIOLATION OF THE AMERICANS WITH DISABILITY ACT AGAINST DISTRICT 165 FOR FAILURE TO ACCOMMODATE BY THE DISTRICT AGAINST E.S.

63. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

64. At all relevant times, E.S. was an individual with a disability within the meaning of the ADA and was otherwise qualified to participate in and receive the benefits of the educational programs and services offered by District 165.

65. E.S., through his mother and legal guardian, requested reasonable accommodations, including one-to-one support, modified assignments, structured literacy instruction, avoidance of computerized work, organizational counseling, smaller class sizes, and placement at a therapeutic school.

66. The requested accommodations were reasonable and necessary to afford E.S. equal access to education, and they would not have imposed an undue hardship or fundamentally altered the nature of District 165's educational programs.

67. Such accommodations were consistent with accepted educational practices and recommendations of qualified medical professionals.

68. Despite repeated requests and medical documentation, District 165 failed and refused to provide such accommodations.

69. District 165's failure to provide reasonable accommodations substantially denied and materially limited E.S.'s meaningful access to District 165's educational programs, services, and benefits.

70. As a direct and proximate result of District 165's unlawful conduct, E.S. suffered damages, including loss of educational opportunity, developmental harm, and emotional distress.

WHEREFORE, Plaintiffs pray as follows:

a. Declare District's conduct unlawfully discriminated against E.S. and violated the ADA;

b. Award E.S. such monetary damages as would fully compensate him for his injuries caused by the District's actions;

c. Award E.S. reasonable costs, expenses, attorney's fees, and prejudgment interest as permitted by the law, and for all costs, expenses, fees, and pre- and post-judgment interest associated with bringing this action; and

d. For such other and further relief as the Court deems just and proper.

COUNT IV: VIOLATION OF THE AMERICANS WITH DISABILITY ACT AGAINST DISTRICT 165 FOR DISABILITY DISCRIMINATION FOR ASSOCIATION WITH AN INDIVIDUAL WITH DISABILITY BY THE DISTRICT AGAINST STRUTHERS

71. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

72. At all relevant times, Struthers was the parent of E.S.

73. At all relevant times, E.S. was an individual with a disability within the meaning of the ADA.

74. At all relevant times, E.S. was otherwise qualified to participate in and receive the benefits of educational services provided by District 165.

75. At all relevant times, District 165 knew that Struthers had a relationship or association with a person with a disability, namely E.S.

76. District 165 is a public entity subject to the ADA requirements at all relevant times.

77. The accommodations requested by Struthers on behalf of E.S. did not impose an undue financial or administrative burden or fundamentally alter the nature of District 165's programs.

78. District 165 committed a civil rights violation, in violation of the ADA, when it dismissed Struthers's advocacy, excluded her from the process, and treated her concerns with hostility because of her association with an individual with a disability.

79. District 165 excluded Struthers from the IEP process and the ability to participate in her son's educational decisions when it unilaterally denied services to E.S. because of her association with E.S., who is disabled.

80. At all relevant times herein, District 165 had actual knowledge of E.S.'s meaningful exclusion from school and the substantial risk of harm that this created for E.S.

81. District 165 was deliberately indifferent to Struthers's unqualified right to advocate for E.S.'s meaningful participation in its education programs.

82. By refusing to allow Struthers to advocate for E.S.'s meaningful participation in education programs, District 165 discriminated against Struthers on the basis of her association with an individual with a disability.

83. As a proximate result of District 165's conduct, Plaintiffs suffered emotional distress such as pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, and stress.

WHEREFORE, Plaintiffs pray as follows:

a. Declare District's conduct unlawfully discriminated against Struthers and violated the ADA;

b. Award Struthers such monetary damages as would fully compensate her for her injuries caused by the District's actions;

c. Award Struthers reasonable costs, expenses, attorney's fees, and prejudgment interest as permitted by the law and for all costs, expenses, fees, and pre- and post-judgment interest associated with bringing this action; and

d. For such other and further relief as the Court deems just and proper.

COUNT V: VIOLATION OF THE ADA AGAINST DISTRICT 165 FOR RETALIATION AGAINST PLAINTIFFS

84. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

85. At all relevant times, E.S. was an individual with a disability within the meaning of the ADA, and Struthers was his parent and legal guardian.

86. Struthers engaged in protected activity under the ADA by advocating for her son's rights, filing complaints with state agencies, and requesting reasonable accommodations supported by medical professionals.

87. District 165 was aware of Struthers's protected activities on behalf of E.S.

88. District 165 retaliated against Struthers and E.S. by:

a. disregarding and dismissing Struthers's advocacy and concerns;

b. denying accommodations recommended by medical professionals;

c. creating a hostile environment toward Struthers in her role as E.S.'s advocate;

d. causing Struthers to be in a situation where she had to pay out of pocket for her child to receive an education;

e. excluding Struthers from meaningful participation in educational decisions; and

f. denying E.S. equal access to education because of his and his mother's protected activity.

89. District 165's retaliatory conduct was intentional, or at a minimum, taken with deliberate indifference to Plaintiffs' federally protected rights under the ADA.

90. As a direct and proximate result of District 165's retaliation, Plaintiffs suffered damages, including loss of educational opportunity for E.S., emotional distress for both Plaintiffs, and economic damages for Struthers.

WHEREFORE, Plaintiffs pray as follows:

a. Declare District's conduct unlawfully discriminated against Struthers and violated the ADA;

b. Award Plaintiffs such monetary damages as would fully compensate them for their injuries caused by the District's actions;

c. Award Plaintiffs reasonable costs, expenses, attorney's fees, and prejudgment interest as permitted by the law and for all costs, expenses, fees, and pre- and post-judgment interest associated with bringing this action; and

d. For such other and further relief as the Court deems just and proper.

COUNT VI – DISABILITY DISCRIMINATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

91. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

92. At all relevant times, E.S. was an individual with disabilities within the meaning of the IHRA.

93. At all relevant times, E.S. was otherwise qualified to participate in and receive the benefits of the educational services provided by District 165.

94. District 165 was aware of E.S.'s disabilities and/or regarded him as disabled.

95. Despite this knowledge, District 165 discriminated against E.S. by denying him equal access to educational programs and benefits on the basis of his disabilities.

96. As a direct and proximate result, E.S. suffered damages including loss of educational opportunity, developmental harm, and emotional distress.

WHEREFORE, Plaintiff respectfully requests judgment in his favor and against District 165, as follows:

a. Award Plaintiff such monetary damages as would fully compensate him for his injuries caused by District 165's actions;

b. Statutory interest;

c. Pre-and post-judgment interest;

d. Costs and expenses;

e. Reasonable attorney fees; and

f. Grant any additional relief as the Court deems just and proper.

COUNT VII– FAILURE TO ACCOMMODATE UNDER THE ILLINOIS HUMAN RIGHTS ACT

97. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

98. At all relevant times, E.S. was an individual with disabilities within the meaning of the IHRA and was otherwise qualified to participate in District 165's educational programs.

99. E.S., through his guardian, requested reasonable accommodations, including one-to-one support, modified assignments, structured literacy instruction, smaller class sizes, and placement at a therapeutic school.

100. These reasonable accommodations would not have imposed an undue hardship on District 165.

101. District 165 failed and refused to provide reasonable accommodations, denying E.S. meaningful educational access.

102. As a direct and proximate result, E.S. suffered damages including loss of educational opportunity, developmental harm, and emotional distress.

WHEREFORE, Plaintiff respectfully requests judgment in his favor and against District 165, as follows:

a. Award Plaintiff such monetary damages as would fully compensate him for his injuries caused by District 165’s actions;

b. Statutory interest;

c. Pre and post judgment interest;

d. Costs and expenses;

e. Reasonable attorney fees; and

f. Grant any additional relief as the Court deems just and proper.

COUNT VIII – ASSOCIATIONAL DISCRIMINATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

103. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

104. At all relevant times, Struthers was the mother and legal guardian of E.S., an individual with disabilities.

105. E.S. is a disabled person under the IHRA.

106. District 165 disregarded Struthers' concerns, minimized Struthers' role in the IEP process, refused to permit Struthers meaningful participation in educational decisions, dismissed medical recommendations Struthers presented, and caused Struthers to be in a situation where she had to pay out of pocket in order for her son to receive an education.

107. District 165 took the above actions because of Struthers' association with her disabled child.

108. As a direct and proximate result, Struthers suffered damages including emotional distress, monetary damages, and the loss of educational opportunity for her child.

WHEREFORE, Plaintiff respectfully requests judgment in his favor and against District 165, as follows:

a. Award Struthers such monetary damages as would fully compensate her for her injuries caused by District 165's actions;

b. Statutory interest;

c. Pre- and post-judgment interest;

d. Costs and expenses;

e. Reasonable attorney fees; and

f. Grant any additional relief as the Court deems just and proper.

COUNT IX – RETALIATION UNDER THE ILLINOIS HUMAN RIGHTS ACT

109. Plaintiffs reallege and incorporate herein by reference the foregoing paragraphs of this Complaint.

110. Struthers advocated for her son's rights, requested reasonable accommodations, and filed complaints regarding disability discrimination.

111. Struthers' actions constituted protected activity under the IHRA.

112. District 165 was aware of Struthers's protected activity.

113. District 165 then refused to provide accommodations, disregarded professional recommendations, dismissed Struthers's concerns, and denied E.S. equal access to education.

114. District 165 took the above actions because of Struthers' protected activity.

115. As a direct and proximate result, Complainants suffered damages, including emotional distress, monetary losses, and loss of educational opportunity.

WHEREFORE, Plaintiff respectfully requests judgment in his favor and against District 165, as follows:

a. Award Plaintiff such monetary damages as would fully compensate him for his injuries caused by District 165's actions;

b. Statutory interest;

c. Pre- and post-judgment interest;

d. Costs and expenses;

e. Reasonable attorney fees; and

f. Grant any additional relief as the Court deems just and proper.

COUNT X: VIOLATION OF THE ILLINOIS CIVIL RIGHTS REMEDIES RESTORATION ACT AGAINST DISTRICT 165

116. Plaintiffs incorporate the allegations listed above by reference.

117. Plaintiff E.S. is an individual entitled to protection under the Americans with Disabilities Act.

118. Plaintiff E.S. is an individual entitled to protection pursuant to the Illinois Civil Rights Remedies Restoration Act.

119. This Act restores the availability of state remedies for violations of federal civil rights statutes, including the ADA.

120. Defendant's above-mentioned actions are violations of Plaintiff's Civil Rights.

WHEREFORE, Plaintiffs pray that this Court enter an ORDER:

a. Declaring Defendant's actions constitute civil rights violations under the Illinois Civil Rights Remedies Restoration Act

b. Awarding Plaintiff E.S. such damages as would fully compensate him for his injuries caused by Defendant's civil rights violations, including compensatory and punitive damages, emotional pain and suffering, and other nonmonetary losses that may be determined by a jury or a court sitting without a jury;

c. Awarding Plaintiff E.S. his costs, expenses, and attorney's fees; and

d. Granting any additional relief as the Court deems just and proper.

JURY DEMAND

121. Plaintiff, by and through undersigned counsel, hereby demands trial by jury on all issues so triable in the above-captioned cause pursuant to 735 ILCS 5/2-1105.

Dated: September 18, 2025

Respectfully submitted,

KENNEDY HUNT P.C.

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