IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

E.S. by her parent, ANGELA SUTTON,	)	
Plaintiff	)	Case No: 2025CH000046
v.	)	
	)	JURY TRIAL DEMANDED
MCLEAN COUNTY UNIT DISTRICT NO. 5 BOARD OF EDUCATION, KRISTAL SHELVIN in her official capacity as McLean County Unit District No. 5 Director of Equity and Inclusion, and MARIANA NICASIO in her official capacity as Principal of Chiddix Junior High School,	)	
Defendants.	)	

COMPLAINT

NOW COMES Plaintiff E.S., by her mother and Next Friend, Angela Sutton, and through her attorneys, and complains of Defendants McClean County Unit District No. 5 Board of Education, Kristal Shelvin, and Mariana Nicasio, as follows:

INTRODUCTION

1. Plaintiff E.S. is a girl. She is also transgender. Her gender identity is female, and her family and medical providers recognize and affirm her as such, supporting her right to live and be treated in accordance with her gender identity.

2. E.S. began attending Chiddix Junior High School in the McLean County Unit District No. 5 in January 2024.

3. Immediately following her enrollment, Plaintiff was repeatedly harassed by other students at school because of her sex and gender identity.

4. Initially, the harassment included derogatory comments about E.S.'s sex and gender identity, deliberate misgendering, social exclusion, and threats of physical harm.

5. Plaintiff and her mother, Angela Sutton, complained about the harassment to school officials on multiple occasions.

6. Defendants failed to materially address Plaintiff and her mother's repeated entreaties for help.

7. As a result of Defendants' inaction, the harassment escalated in severity and frequency.

8. Emboldened by the lack of consequences, Chiddix students planned and executed a physical attack on Plaintiff while on school grounds.

9. As a result of the assault, Plaintiff suffered physical injuries that required medical treatment.

10. In addition to physical injuries, Plaintiff has suffered severe emotional distress, PTSD, anxiety, depression, and fear of attending school.

11. Plaintiff's academic performance has deteriorated because of the harassment and assault.

12. Following the assault, Plaintiff's mother again complained to school officials, but Defendants remained deliberately indifferent and took no meaningful action to prevent future incidents.

13. Through these actions, Defendants have discriminated against E.S. on the basis of sex, including on the basis of her gender identity, transgender status, and nonconformity to sex-based stereotypes, in violation of the Illinois Human Rights Act ("IHRA"), 775 Ill. Comp. Stat. Ann. 5/1-101 *et. seq.*, the Illinois Civil Rights Remedies Restoration Act, 775 ILCS 60 *et. seq.*,

Title IX of the Civil Rights Act ("Title IX"), 20 U.S.C. § 1681 *et seq.*, and the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988. Plaintiff brings this action to address Defendant's violations of Plaintiff's civil rights.

PARTIES

14. Plaintiff E.S. is an Illinois citizen who resides in Normal, Illinois. She was born on March 29, 2011.

15. At all relevant times, Plaintiff was transgender student enrolled in McLean County Unit District 5.

16. Angela Sutton is the mother of Plaintiff.

17. Defendant McLean County Unit District No. 5 Board of Education is a public body corporate organized under the Illinois School Code, 105 ILCS 5/1-1 *et seq.*, with its principal offices located in Normal, Illinois.

18. Defendant Board of Education of McLean County Unit District No. 5 is the governing body of McLean County Unit District No. 5 and has ultimate authority over the school district's school, employees, and policies.

19. At all relevant times, Defendant Mariana Nicasio ("Nicasio") was the Principal of Chiddix Junior High School ("Chiddix"). Nicasio was an employee and agent of Defendant Board of Education and acted within the scope of her employment at all times relevant to this cause of action.

20. At all relevant times, Defendant Dr. Kristal Shelvin ("Shelvin") was the McLean County Unit District No. Director of Equity and Inclusion. Shelvin was an employee and agent of Defendant Board of Education and acted within the scope of her employment at all times relevant to this cause of action.

JURISDICTION AND VENUE

21. This Court has subject matter jurisdiction over this action pursuant to Illinois Const., Art. VI, § 9, as this is a justiciable matter involving violations of Plaintiff's civil rights.

22. This Court has personal jurisdiction over Defendant Board of Education because it is a public body organized under Illinois law with its principal place of business in Normal, IL.

23. This Court has personal jurisdiction over Defendants Shelvin and Nicasio as agents and officials of Defendant Board of Education.

24. Venue is proper in this Court pursuant to 775 ILCS 5/8-111 and 735 ILCS 5/2-101 as events giving rise to this action occurred in McLean County, Illinois, located within the 11th Judicial Circuit.

25. Plaintiff invokes this Court's concurrent jurisdiction to hear civil federal civil rights claims under Title IX of the Civil Rights Act, 20 U.S.C. § 1681 *et. seq.* and 42 U.S.C. § 1983, which allows a cause of action for rights stemming from the Constitution.

26. On or about December 13, 2024, Plaintiff filed a charge against Defendant Board of Education with the Illinois Department of Human Rights ("IDHR") alleging sex discrimination and harassment, and gender identity and harassment.

27. The IDHR docketed the charge as Charge No. 2025SP0869.

28. On October 1, 2025, Plaintiff received the Notice of Dismissal providing Plaintiff with the Right to Sue via U.S. mail. See Exhibit A.

29. This Complaint is filed within ninety (90) days of receipt of the Notice.

30. Plaintiff has complied fully with the administrative exhaustion requirements of the Illinois Human Rights Act.

LEGAL OVERVIEW

Title IX of the Education Amendments of 1972

31. Title IX provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). Public school districts receiving federal funds are subject to Title IX and may be held liable for both intentional sex discrimination and student-on-student harassment where the district is deliberately indifferent to known acts of harassment that are so severe, pervasive, and objectively offensive that they deprive a student of equal access to educational opportunities. *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999).

32. The Seventh Circuit has made clear that discrimination against transgender students constitutes discrimination "on the basis of sex" under Title IX. In *Whitaker v. Kenosha Unified School District No. 1 Board of Education*, the court held that a school district's policy barring a transgender boy from using the boys' restroom violated Title IX because it discriminated against him based on sex, including gender identity and failure to conform to sex stereotypes. 858 F.3d 1034, 1047–49 (7th Cir. 2017). The court explained that discrimination against transgender individuals "is inherently based on sex," because it rests on expectations about how individuals assigned a particular sex at birth should identify and present. *Id.* at 1048.

33. More recently, the Seventh Circuit reaffirmed and extended *Whitaker* in *A.C. v. Metropolitan School District of Martinsville Township*, holding that harassment and disparate treatment targeting a student because of their transgender status or gender identity constitute sex discrimination actionable under Title IX. 75 F.4th 760, 771–73 (7th Cir. 2023). In *A.C.*, the court confirmed that peer harassment directed at a student's transgender status is sex-based harassment

as a matter of law and that a school district may be held liable where it has actual knowledge of such harassment and responds with deliberate indifference. *Id.*

34. Under controlling Seventh Circuit precedent, Title IX therefore prohibits school districts from subjecting transgender students to disparate treatment, hostile educational environments, or deliberate indifference to harassment based on gender identity, transgender status, or nonconformity with sex-based stereotypes.

Equal Protection Clause of the Fourteenth Amendment

35. The Equal Protection Clause of the Fourteenth Amendment guarantees that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. State actors, including public school districts and their officials, violate the Equal Protection Clause when they intentionally discriminate against individuals based on sex or gender without an exceedingly persuasive justification. *United States v. Virginia*, 518 U.S. 515, 533 (1996).

36. The Seventh Circuit has held that discrimination against transgender students constitutes sex-based discrimination for Equal Protection purposes. In *Whitaker*, the court concluded that policies singling out transgender students are facially sex-based and subject to heightened scrutiny. 858 F.3d at 1051. In *A.C.*, the court reaffirmed that reasoning, holding that governmental action disadvantaging a student because of transgender status or gender identity constitutes intentional sex discrimination in violation of the Equal Protection Clause. 75 F.4th at 772–73.

37. Accordingly, a public school's failure to protect a transgender student from known harassment, or its enforcement of policies or practices that treat transgender students differently

because of their gender identity, constitutes intentional discrimination actionable under 42 U.S.C. § 1983.

Illinois Human Rights Act

38. The Illinois Human Rights Act ("IHRA"), 775 ILCS 5/1-101 *et seq.*, is a comprehensive civil rights statute designed to secure freedom from discrimination for all individuals within the State of Illinois. The Act expressly prohibits discrimination in places of public accommodation—including public schools—on the basis of sex[1] and gender identity. 775 ILCS 5/1-102(A); 775 ILCS 5/5-102(A).

39. Illinois law explicitly includes gender identity as a protected category, independent of sex assigned at birth. The IHRA defines "gender identity" as: "The actual or perceived gender-related identity, appearance, expression, or behavior of a person, regardless of whether that identity, appearance, expression, or behavior is different from that traditionally associated with the person's sex assigned at birth." 775 ILCS 5/1-103(O-1)

40. The IHRA defines "place of public accommodation" broadly to include schools operated by public entities. 775 ILCS 5/5-101(A). Public school districts, therefore, have an affirmative obligation under Illinois law to ensure that students are not subjected to discrimination or harassment on the basis of sex or gender identity.

41. If a school becomes aware that a student is being harassed and fails to take corrective action to stop the harassment, it may be a violation of the IHRA. See Ill. Dep't of Hum. Rts., Non-Regulatory Guidance Relating to Protection of Transgender, Nonbinary, and Gender Nonconforming Students (Aug. 2021).[2]

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[1] The IHRA defines "sex" at 775 ILCS 5/1-103 as follows: "Sex" means the status of being male or female." 775 ILCS 5/1-103

[2] https://dhr.illinois.gov/content/dam/soi/en/web/dhr/publications/documents/idhr-guidance-relating-toprotection-of-transgender-nonbinary-and-gender-nonconforming-students-eng-web.pdf

Illinois Civil Rights Remedies Restoration Act

42. The Illinois Civil Rights Remedies Restoration Act ("CRRRA") is a remedial statute enacted to "to restore in Illinois the full enjoyment of the civil rights unjustly limited by the U.S. Supreme Court in its decision in [*v. Premier Rehab Keller, P.L.L.C., 596 U.S. 212, 230.*" 775 ILCS 60/1. The statute provides that a violation of Title IX, among other federal statutes, is also a violation of the CRRRA, for which damages for "emotional pain, suffering, . . . mental anguish, and loss of enjoyment of life"are available. 775 ILCS 60/15, 20.

43. Courts applying the CRRRA have recognized that it embodies a strong public policy favoring robust remedies for civil rights violations, including compensation for emotional and dignitary harms inherent in discrimination claims, and that the Act applies retroactively because it is remedial in nature and clarifies the scope of available remedies rather than creating new causes of action. *Pogorzelska v. VanderCook Coll. of Music,* No. 19 C 5683, (N.D. Ill. Apr. 11, 2024).

FACTS

44. Ms. Sutton enrolled Plaintiff in the McLean County Unit District No. 5 ("the District") in January 2024.

45. Prior to enrolling Plaintiff in the District, Ms. Sutton called Chiddix Principal Nicasio to discuss whether Chiddix would be a supportive environment for her transgender daughter.

46. Nicasio coordinated a meeting with Plaintiff and her family, Chiddix's Guidance Counselor Jackie DesLauriers, and the District's Director of Equity and Inclusion, Dr. Kristal Shelvin, to build trust and show the district's commitment to safety and inclusivity.

47. During the January 24, 2024, meeting, Nicasio pointed out a pride flag displayed in the school and indicated that Defendants could keep students safe regardless of gender identity.

48. During this meeting, Plaintiff formally signed a document to amend her gender identity, name, and pronouns.

49. Defendants assured Plaintiff that her gender marker, name, and pronouns would be updated across all district records before her first day of school.

50. Defendants assured Plaintiff that her previous gender identification details would be kept confidential, limited solely to the individuals present at the meeting.

51. Defendants emphasized that Chiddix School fosters an environment of acceptance and inclusivity.

52. On January 25, 2024, Plaintiff attended her first day of school at Chiddix.

53. Defendants did not update Plaintiff's gender marker, name, and pronouns across all District records as promised.

54. Specifically, on her first day, Defendants assigned Plaintiff a student e-mail address that included her former name ("dead name").

55. Later that day, Plaintiff's teacher asked Plaintiff for her e-mail address so he could add her to his Google Classroom. Plaintiff, though embarrassed, provided her school-issued e-mail address.

56. Plaintiff's teacher then asked Plaintiff, "Who is [dead name]?" in front of the class.

57. Before class ended, one student told another, "Watch me bully them until they transfer."

58. After being dead named in the presence of other students, Plaintiff's classmates started harassing her because of her sex and gender identity.

59. The bullying included verbal harassment, derogatory comments about her gender identity, deliberate misgendering, social exclusion, and threats of physical harm.

60. Students dead named and misgendered her constantly, and called her names like "fat," "midget," "bitch," "gross," and "weird."

61. During and between classes, students also threatened to hurt her at school.

62. Although Defendants assured Plaintiff her previous gender information would stay private, Plaintiff's teachers repeatedly questioned her and other District staff about Plaintiff's gender identity.

63. On February 2, 2024, Ms. Sutton complained to Kristal Shelvin about Plaintiff's transfer to Chiddix and the dead-naming incident. Ms. Sutton told Shelvin the bullying and threats against Plaintiff were escalating. Shelvin told Ms. Sutton she would "look into it."

64. On February 5, 2024, Ms. Sutton met with Nicasio, DesLauriers, and Shelvin to discuss her concerns. The only response Ms. Sutton's fears garnered from Defendants' representatives was "Middle school girls are mean."

65. Later that day, Ms. Sutton learned Plaintiff's classmates continued to escalate their attacks on Plaintiff by creating a TikTok account titled "[E.S.] Is A Betch," which included a photo of Plaintiff taken without her permission.

66. The "friends list" associated with the account included Plaintiff's classmates and an account holder named "Chiddix0is0spining."

67. Plaintiff's classmates utilized the account to threaten and harass her.

68. Ms. Sutton emailed Shelvin a screenshot of the TikTok account and expressed concern for Plaintiff's safety, particularly given the rise in hate crimes targeting transgender youth.

69. Defendants took no meaningful action in response to these threats.

70. On February 21, 2024, Ms. Sutton notified Defendants that a student was targeting Plaintiff on Snapchat and repeatedly dead naming her by referring to Plaintiff as what the student called her "boy name."

71. On February 23, 2024, Ms. Sutton told Defendants that the same student deadnamed Plaintiff and pushed her to the ground during class. The student threatened to further assault Plaintiff, but Plaintiff was able to escape.

72. Defendants took no meaningful action in response to this harassment.

73. Later that month, Ms. Sutton and her partner, Jason Brevard, continually informed Defendants that Plaintiff's classmates were appearing at Plaintiff's home and at locations Plaintiff frequented and were physically threatening Plaintiff.

74. Ms. Sutton and Mr. Brevard told Defendants that Plaintiff was afraid to leave her home, ride the school bus, or attend school due to the escalating harassment.

75. Ms. Sutton and Mr. Brevard informed Defendants that they were concerned about Plaintiff's safety, both from the threats posed by her classmates and from the risk of self-harm as Plaintiff's anxiety and depression worsened.

76. On February 26, 2024, Mr. Brevard forwarded Snapchat messages from Plaintiff's classmates to Nicasio and Shelvin in which identifiable Chiddix students deadnamed Plaintiff and physically threatened her.

77. In the messages, one student claimed another student wanted to "swing" on Plaintiff but did not "cuz he thought she was a girl." Another student responded, "thought wrong…[h]e betta hit [deadname] now."

78. Defendants took no meaningful action in response to this harassment.

79. On March 7, 2024, Plaintiff was attacked at school by another student ("Student R"). Student R approached Plaintiff from behind, pulled her hair, and forcefully and repeatedly slammed her head to the ground until E.S. lost consciousness.

80. Student R then punched Plaintiff in the face until someone pulled her off Plaintiff.

81. After this attack, no one, including Defendants' teachers or staff, helped Plaintiff or inquired about her well-being.

82. Later, after Plaintiff began to have trouble seeing, she went to the nurse's office, where the nurse and Nicasio called Ms. Sutton and informed her that Plaintiff had been involved in "a fight" and had "hit" her head.

83. Ms. Sutton did not understand that Plaintiff had been attacked, rather than involved in a mutual fight, and that Plaintiff's head had been forcibly slammed into the ground—rather than merely "hit"—until she requested and reviewed the video footage of the incident.

84. That same day, Ms. Sutton and Mr. Brevard took Plaintiff to the emergency room for evaluation. Plaintiff was diagnosed with a concussion and began experiencing, and continues to experience, symptoms including memory loss related to the attack, headaches, dizziness, confusion, and sensitivity to light and sound.

85. On March 8, 2024, Ms. Sutton notified Defendants that a video of the attack was circulating on Snapchat after Chiddix students began messaging Plaintiff about the video.

86. Despite Defendants' prior knowledge of the harassment and the subsequent assault, Defendants failed to take prompt and effective steps to protect Plaintiff or prevent further harm.

87. On or about March 15, 2024, Plaintiff returned to the hospital as her symptoms worsened.

88. As a result of the attack and ongoing harassment, Plaintiff was diagnosed with a concussion, a potential traumatic brain injury (TBI), and post-traumatic stress disorder (PTSD).

89. The trauma has left Plaintiff feeling unsafe, severely disrupting her education and overall well-being.

90. The severity of Plaintiff's symptoms has resulted in vision and hearing impairments and significant cognitive decline, further hindering her ability to engage in daily activities and maintain educational progress.

91. Additionally, the effects of PTSD have exacerbated Plaintiff's fear and distress, further diminishing her quality of life and impairing her potential for recovery.

92. Due to her escalating symptoms, Plaintiff was forced to leave the traditional school setting and enrolled in homebound services from April 2024 to October 2025.

93. From October to November 2025, Plaintiff began a gradual return to in-person instruction due to the lingering effects of her injuries and trauma.

94. Despite these efforts, Plaintiff continues to require significant academic support and accommodation.

95. Prior to the attack and harassment, Plaintiff had been enrolled in gifted programming since kindergarten and consistently tested in the top one percent of students nationally for her age.

96. As a result of the concussion, potential traumatic brain injury, and PTSD caused by Defendants' conduct, Plaintiff now struggles with academic tasks that were previously well within her abilities.

97. Plaintiff's medical conditions have also necessitated ongoing accommodations under a Section 504 plan.

98. Plaintiff's educational needs continue to evolve as her symptoms persist.

99. The impact of Defendants' actions has resulted in ongoing and frequent issues affecting Plaintiff's education, requiring Ms. Sutton to communicate with school staff on a near-daily basis and to attend regular meetings with senior administrators to address Plaintiff's safety, accommodations, and academic progress.

100. As a result of the continued disruption to Plaintiff's education and well-being, Plaintiff's family has been forced to explore alternative educational placements.

101. Due to Defendants' actions as described in the preceding paragraphs, Plaintiff also suffered economic damage, pain and suffering, inconvenience, emotional distress, and impairment of her quality of life.

102. Defendants' actions and failures to act described herein with deliberate indifference and/or malice toward Plaintiff's rights.

VIOLATIONS OF LAW

COUNT I
Illinois Human Rights Act
Sex and Gender Identity Discrimination in a Place of Public Accommodation (775 ILCS 5/1-101 *et seq.*) Against Defendant Board of Education

103. All paragraphs above are incorporated herein by reference.

104. Defendant Board of Education, and the school district and schools it administers, is a place of public accommodation, as defined by 775 ILCS 5/5-101(A)(11).

105. Plaintiff is a person, as defined by 775 ILCS 5/1-103(L).

106. Defendant's teachers, administrators and staff are public officials as defined by 775 ILCS 5/5-101(C).

107. Plaintiff was subjected to unwelcome harassment on the basis of her sex and gender identity.

108. The harassment Plaintiff suffered was so severe or pervasive that it altered the conditions of Plaintiff's education at Chiddix and denied Plaintiff the full and equal enjoyment of Defendant's accommodations, advantages, facilities, or privileges.

109. The harassment interfered with Plaintiff's academic performance.

110. The harassment created an intimidating, hostile, or offensive educational environment for Plaintiff.

111. It is the public policy of Illinois to prevent sexual harassment and sex discrimination in elementary, secondary, and higher education.

112. Defendant Board of Education had actual knowledge of harassment and targeting based on Plaintiff's sex and gender identity.

113. Defendant Board of Education's failure to take meaningful action in response to this knowledge was clearly unreasonable and subjected Plaintiff to physical harm and further discrimination.

114. Defendant Board of Education committed a civil rights violation, in violation of 775 ILCS 5/5-102(C), when its public officials, as public officials, denied or refused to Plaintiff the full and equal enjoyment of Defendant's accommodations, advantages, facilities or privileges because of unlawful discrimination when it failed to protect Plaintiff, its student, from sex and gender identity based harassment.

115. Because of Defendant Board of Education's conduct, Plaintiff has suffered emotional distress such as pain and suffering, mental anguish, inconvenience, humiliation, embarrassment, loss of enjoyment of life, and stress.

116. Defendant Board of Education acted with deliberate indifference and/or malice toward Plaintiff's rights.

COUNT II
Civil Rights Remedies Restoration Act (775 ILCS 60 *et seq.*)
Against Defendant Board of Education

117. All paragraphs above are incorporated herein by reference.

118. Plaintiff is an individual entitled to protection pursuant to 775 ILCS 60/15.

119. It is the public policy of Illinois to prevent sexual harassment and sex discrimination in elementary, secondary, and higher education.

120. Defendant's above-mentioned actions are violations of Plaintiff's civil rights, as defined under 775 ILCS 60/15.

COUNT III
Violation of Title IX (20 U.S.C. § 1681, *et seq.*)
Against Defendant Board of Education

121. All paragraphs above are incorporated herein by reference.

122. Plaintiff was subjected to unwelcome harassment on the basis of her sex and gender identity.

123. The harassment Plaintiff suffered was so severe or pervasive that it altered the conditions of Plaintiff's education at Chiddix and denied Plaintiff the full and equal enjoyment of Defendant's accommodations, advantages, facilities or privileges.

124. The harassment interfered with Plaintiff's academic performance.

125. The harassment created an intimidating, hostile, or offensive educational environment for Plaintiff.

126. Defendant Board of Education had actual knowledge of harassment and targeting based on Plaintiff's sex and gender identity.

127. Defendant Board of Education's failure to take meaningful action was clearly unreasonable in light of the known circumstances and subjected Plaintiff to physical harm and further discrimination.

128. Defendant Board of Education was deliberately indifferent to the known acts of harassment committed against Plaintiff prior to the physical attack on March 7, 2024.

129. Defendant Board of Education took no effective remedial action to prevent students from abusing and harassing Plaintiff, after having this actual knowledge.

130. Defendants had substantial control over the harassers, who were students of the District.

131. Much of the harassment and the assault occurred during school hours, on school grounds, and in a context where Defendants had authority to discipline the harassers.

132. Defendant Board of Education further violated Title IX by intentionally pursuing an official policy of discriminating on the basis of sex in the following ways:

a. Failing to have policies and procedures in place and/or failing to properly enforce policies and procedures that address sexual and gender identity harassment such that harassers were emboldened by the lack of policies and/or lack of policy enforcement;

b. Failing to follow Title IX policies and procedures that were in place;

c. Failing to address sexual harassment within the District;

d. Allowing harassers to be emboldened by the lack of effective policies and procedures in place to address sexual harassment within the District;

e. Encouraging a culture where students who have been sexually abused and harassed are afraid to report for fear of further harassment and retaliation;

f. Encouraging and fostering a culture where students feel free to harass each other; and

g. Creating a heightened risk of harassment of students within the District by not taking prior harassment and abuse of students seriously.

133. In addition, students in the District had engaged in sexually harassing and abusive behavior months prior to March 7, 2024, under the policies and procedures of deliberate indifference within the Defendant Board of Education. This created a heightened risk for Plaintiff, who was subjected to relentless harassment while a student in the District. Defendant Board of Education had actual knowledge of this heightened risk.

134. Plaintiff was sexually harassed because of Defendant's Official Policy created by this Pattern and Practice of Deliberate Indifference to Sexual Harassment within the District created a heightened risk of harassment and abuse within the District.

135. As a result of Defendant's actions and/or failures to act, Plaintiff has suffered loss of access to her education, emotional distress and psychological damage, and her character and standing in her community have suffered from the harassment fostered as a direct and proximate result of Defendant Board of Education's deliberate indifference to the rights of students under Title IX.

COUNT IV
Violation of 42 U.S.C. § 1983 Based on Deprivation of Plaintiff's Rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution Against All Defendants

136. All paragraphs above are incorporated herein by reference.

137. At all relevant times, Defendants acted under color of state law within the meaning of 42 U.S.C. § 1983.

138. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution guarantees that no state shall deny any person the equal protection of the laws. This constitutional protection prohibits intentional discrimination on the basis of sex, including discrimination based on gender identity, transgender status, and nonconformity with sex-based stereotypes.

139. Plaintiff is a transgender girl and a member of a protected class. Defendants knew that Plaintiff was transgender and that she was being targeted, harassed, and subjected to differential treatment by other students because of her sex and gender identity.

140. Despite having actual knowledge of the harassment and escalating threats directed at Plaintiff because of her sex and gender identity, Defendants intentionally treated Plaintiff differently from similarly situated students by failing to take prompt, effective, and reasonable measures to stop the harassment, prevent further harm, and protect Plaintiff's equal access to the educational environment.

141. Defendants' actions and omissions were not the result of mere negligence. Rather, Defendants acted with deliberate indifference to known sex-based discrimination and harassment and thereby intentionally denied Plaintiff the equal protection of the laws.

142. Defendants' conduct included, but was not limited to:

a. Failing to meaningfully investigate or address repeated reports of harassment and threats based on Plaintiff's sex and gender identity;

b. Tolerating a hostile educational environment that disproportionately harmed Plaintiff because or her sex and gender identity;

c. Minimizing or mischaracterizing serious incidents of violence and harassment against Plaintiff;

d. Failing to implement effective corrective or protective measures despite repeated notice of escalating harm; and

e. Allowing discriminatory conditions to persist that foreseeably resulted in severe physical, emotional, and educational harm to Plaintiff.

143. Defendants' intentional discrimination against Plaintiff on the basis of sex and gender identity is not substantially related to any important governmental interest and therefore violates the Equal Protection Clause of the Fourteenth Amendment.

144. As a direct and proximate result of Defendants' unconstitutional conduct, Plaintiff suffered severe physical injuries, emotional distress, psychological trauma, loss of educational opportunity, and other damages.

145. Defendants are liable to Plaintiff under 42 U.S.C. § 1983 for depriving her of rights secured by the Constitution. Plaintiff seeks all relief available under federal law, including declaratory and injunctive relief, compensatory damages, and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against Defendant, as follows:

a. Awarding Plaintiff such damages as would fully compensate her for her injuries caused by Defendant's civil rights violations, including compensatory and punitive damages, emotional pain and suffering, and other nonmonetary losses that may determine by a jury or a court sitting without a jury, but in no case less than $4,000;

b. Statutory interest;

c. Costs and expenses;

d. Reasonable attorney's fees;

e. Declaratory relief;

f. Injunctive relief; and

g. Grant any additional relief as the court deems just and proper.

JURY DEMAND

Plaintiff respectfully requests a trial by jury for all issues triable by a jury.

Respectfully submitted,

/s Sarah Jane Hunt

Sarah Jane Hunt, IL Bar No. 6316235
KENNEDY HUNT P.C.
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ATTORNEY FOR PLAINTIFF

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

E.S. by her parent, ANGELA SUTTON,	)	
Plaintiff	)	Case No:
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Defendants.	)	

JURY DEMAND

Pursuant to 735 ILCS 5/2-1105 and Article I, Section 13 of the Illinois Constitution, Plaintiff hereby demands trial by jury on all issues so triable.

Respectfully submitted,

/s Sarah Jane Hunt

Sarah Jane Hunt, IL Bar No. 6316235
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4500 W Pine Blvd
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sarahjane@kennedyhuntlaw.com
ATTORNEY FOR PLAINTIFF

Exhibit A

STATE OF ILLINOIS)
) **ss**
COUNTY OF COOK)

CHARGE NO. 2025SP0869

AFFIDAVIT OF SERVICE

The undersigned served a copy of the attached **NOTICE OF DISMISSAL** on October 1, 2025 , to each person named below by email or first class mail, addressed as follows:

For Complainant

Sarah Jane Hunt
Kennedy Hunt PC
4500 W. Pine Boulevard
St. Louis, MO 63108

For Respondent

George A. Acosta
Hodges, Loizzi, Eisenhammer, Rodick & Kohn
500 Park Boulevard, Suite 1000
Itasca, IL 60143

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

PLEASE NOTE:

The above-signed person is responsible only for mailing these documents. If you wish a review of the findings in this case, you must complete the Request for Review form attached. Department of Human Rights' staff are not permitted to discuss the investigation findings once a Notice of Determination has been issued.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
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Plaintiff	)	Case No:
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Defendants.	)	

AFFIDAVIT PURSUANT TO ILLINOIS SUPREME COURT RULE 222(b)

I, Sarah Jane Hunt, being first duly sworn on oath, depose and state as follows:

1. I am an attorney licensed to practice law in the State of Illinois and counsel of record for Plaintiff in the above-captioned matter.

2. Pursuant to Illinois Supreme Court Rule 222(b), I state that the total amount of damages sought by Plaintiff in this action does not exceed $50,000, exclusive of interest and costs.

3. I make this affidavit based upon my investigation of the facts, communications with Plaintiff and her next friend, and my professional judgment.

Further affiant sayeth not.

/s

Sarah Jane Hunt, IL Bar No. 6316235
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Subscribed and sworn to before me

this 30th day of December, 2025.

Teresa L. Kendrick

Notary Public

TERESA L. KENDRICK
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JANUARY 8, 2028
ST. LOUIS COUNTY
COMMISSION #11549799