

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TRACY ALLISON,

Civil Action No. 11-cv-1329 (PJM)

Plaintiff,

v.

**BOARD OF EDUCATION OF
PRINCE GEORGE'S COUNTY,**

Defendant.

SECOND AMENDED COMPLAINT

Pursuant to United States District Judge Peter J. Messitte's Order, dated November 22, 2011, the Plaintiff submits a Second Amended Complaint.

COMES NOW Plaintiff through undersigned counsel states as follows:

JURISDICTION AND VENUE

1. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of equal protection rights secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.
2. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
3. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d-7 et seq. The U.S. Department of Education has provided Maryland

public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds for the expressed purpose of creating jobs and maintaining existing ones. Title VI requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.

4. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.]. The U.S. Department of Education has provided Maryland public schools with more than \$1 billion under the American Recovery and Reinvestment Act of 2009. Prince George's County Public Schools are receiving stimulus funds. Title IX requires the recipients of federal funds to waive Eleventh Amendment sovereign immunity.
5. Venue lies in this District pursuant to 42 U.S.C. § 2000e-5(f)(3) and because the events and occurrences giving rise to this action occurred within this judicial district.

PARTIES

6. Tracy Allison is an employee of Prince George's County Public Schools.
7. The Prince George's County Public Schools are located in Prince George's County, Maryland.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Plaintiff Tracy Allison filed a timely complaint with the Equal Employment Opportunity Commission, Charge No. 531201101095. On April 5, 2011, Ms. Allison signed her Charge of Discrimination indicating discrimination based on race, sex, and retaliation. On July 11, 2011, EEOC issued a Notice of Right to Sue letter to Ms. Allison.

STATEMENT OF CLAIM

Tracy Allison

Introduction

9. Tracy Allison has been employed by Prince George's County Public Schools since 2005.
10. Ms. Allison joined Largo High School as a secretary in 2006.
11. Ms. Allison worked in the principal's front office.
12. Ms. Allison is a thirty eight (38) year old African American woman.

Hostile Work Environment

2007 - 2010

13. Principal Simpson-Marcus became the principal of Largo High School in the summer of 2007.
14. Principal Simpson-Marcus is an African American woman.
15. Starting in the summer of 2007, Principal Simpson-Marcus openly expressed her animosity towards white teachers.
16. For instance, Principal Simpson-Marcus referred to Jon Everhart, a white English teacher, as "poor white trash" and instructed her staff not to associate with him.
17. Ms. Allison worked as Principal Simpson-Marcus' front office secretary.
18. Therefore, Ms. Allison came in contact with white teachers on a daily basis.
19. And, contrary to Principal Simpson-Marcus' instructions, treated Mr. Everhart and other white teachers with due respect.
20. Starting in the fall of 2007 and continuing until the summer of 2010, on a daily basis, Principal Simpson-Marcus called Ms. Allison and Nicole Turner, the other front office

secretary, “chicken head”, “bird”, “hood rat” and “ghetto” in the presence of faculty, staff, parents, and students.

21. The terms “chicken head” and “bird” are urban slang terms for slut, according to the Urban Dictionary website at www.urbandictionary.com.
22. The Concise New Partridge Dictionary of Slang and Unconventional English, 8th edition (first published 1984) defines: “chickenhead **noun** ...2. a person performing oral sex on a man. Also ‘chicken head’ From the bobbing motion. us, 1996...”
23. The Concise New Partridge Dictionary of Slang and Unconventional English, 8th edition (first published 1984) defines: “hoodrat **noun** ...2. A promiscuous girl. us, 1997.”
24. The Concise New Partridge Dictionary of Slang and Unconventional English, 8th edition (first published 1984) defines: “ghetto **adjective** inferior, shoddy, bad.... us, 1995.”
25. Ms. Allison became extremely upset with Principal Simpson-Marcus’ use of these terms in reference to her. Ms. Allison would often begin to cry uncontrollably.
26. Ms. Allison considered the use of these slang terms demeaning and racially offensive.
27. Nonetheless, Principal Simpson-Marcus continued to call Ms. Allison “chicken head”, “bird”, “hood rat”, and “ghetto” until Ms. Allison transferred to another school in the summer of 2010.
28. Principal Simpson-Marcus also continued to call Nicole Turner “chicken head”, “bird”, “hood rat”, and “ghetto”.
29. In June 2008, Ms. Turner transferred to another school in order to get away from Principal Simpson-Marcus’ name calling.

30. Despite the fact that Ms. Turner was no longer at Largo High School, Principal Simpson-Marcus continued to call Ms. Turner a “Palmer Park Hood Rat” until the summer of 2010.

31. In Ms. Allison’s presence, Principal Simpson-Marcus said, “I got rid of one Hood Rat [Ms. Turner] and have two more to go”. Principal Simpson-Marcus made this comment on multiple occasions between the summer 2008 and the summer of 2010.

Retaliation

2008 - 2010

32. In the spring of 2008, Ms. Allison began to complain about Principal Simpson-Marcus’ name calling to William Barnes, Largo High School’s regional director.

33. Previously, Ms. Turner complained to her union and the human resources department about Principal Simpson-Marcus’ name calling starting in the fall of 2007.

34. And previously, Darlene Ball-Rice, the principal’s secretary, complained to Principal Simpson-Marcus and then William Barnes, Largo High School’s regional director, about Principal Simpson-Marcus’ name calling starting in the fall of 2007.

35. Between the fall of 2007 and the summer of 2010, Prince George’s County Public Schools did not conduct an investigation or take prompt corrective action.

36. Several times a year in 2008, 2009, and 2010, Ms. Allison complained to Director Barnes about Principal Simpson-Marcus’ name calling and termination threats.

37. Between 2008 and 2010, Ms. Allison complained to Director Barnes about Principal Simpson-Marcus’ name calling and threats of termination more than a dozen times.

38. Occasionally, Principal Simpson-Marcus would back off from the name calling and threats of termination for a few days and then the name calling and threats of termination would intensify.
39. During the 2008 – 2009 school year, due to Principal Simpson-Marcus' name calling, Ms. Allison began to experience severe panic attacks for the first time in her life.
40. The panic attacks caused Ms. Allison to attempt suicide.
41. As a result of her suicide attempt, Ms. Allison was briefly hospitalized.
42. Four years later, Ms. Allison continues to experience severe anxiety attacks.
43. Currently, Ms. Allison is under the care of a doctor and takes medication for her anxiety.

June 2010 – July 2010

44. The last day of school for students was June 16, 2010 at the conclusion of the 2009 – 2010 school year.
45. At Largo High School, Ms. Allison and other secretaries continued to work at the school for an additional two weeks, until the first week of July 2010.
46. As she had done for the past three years, on a daily basis, Principal Simpson-Marcus continued to call Ms. Allison “chicken head”, “bird”, “hood rat” and “ghetto” in the presence of faculty, staff, parents, and students.
47. In August 2010, Ms. Allison sought and received a transfer to another school in order to get away from Principal Simpson-Marcus' name calling and threats of termination.

Count I – Title IX - Hostile Work Environment (Sex)

48. Ms. Allison incorporates by reference all of the preceding paragraphs.
49. Principal Simpson-Marcus' harassment of Ms. Allison was unwelcomed.
50. Principal Simpson-Marcus' harassment of Ms. Allison was based on her sex.

51. Principal Simpson-Marcus' harassment of Ms. Allison was severe and pervasive.
52. Prince George's County Public Schools is liable.
53. Principal Simpson-Marcus was Ms. Allison's supervisor.
54. Ms. Allison complained about Principal Simpson-Marcus' name calling and threats of termination to William Barnes, Largo High School's regional director.
55. Prince George's County Public School did not conduct an investigation or take prompt corrective action.
56. Principal Simpson-Marcus' daily name calling and termination threats unreasonably interfered with Ms. Allison's ability to performance her job.

Count II – Title VI – Hostile Work Environment (Race)

57. Ms. Allison incorporates by reference all of the preceding paragraphs.
58. Principal Simpson-Marcus' harassment of Ms. Allison was unwelcomed.
59. Principal Simpson-Marcus' harassment of Ms. Allison was based on her race.
60. Principal Simpson-Marcus' harassment of Ms. Allison was severe and pervasive.
61. Prince George's County Public Schools is liable.
62. Principal Simpson-Marcus was Ms. Allison's supervisor.
63. Ms. Allison complained about Principal Simpson-Marcus' name calling and threats of termination to William Barnes, Largo High School's regional director.

64. Prince George's County Public School did not conduct an investigation or take prompt corrective action.

65. Principal Simpson-Marcus' daily name calling and threats of termination unreasonably interfered with Ms. Allison's ability to performance her job.

Count III – Title IX (Retaliation)

66. Ms. Allison incorporates by reference all of the preceding paragraphs.

67. Prince George's County Public Schools retaliated against Ms. Allison.

68. Ms. Allison engaged in protected activity by complaining about Principal Simpson-Marcus' name calling and termination threats.

69. Principal Simpson-Marcus responded to Ms. Allison's protected activity with name calling and termination threats.

70. Principal Simpson-Marcus forced Ms. Allison to transfer to another school.

Count IV – Title VI (Retaliation)

71. Ms. Allison incorporates by reference all of the preceding paragraphs.

72. Prince George's County Public Schools retaliated against Ms. Allison.

Count V – Title VII - Hostile Work Environment (Race)

73. Ms. Allison incorporates by reference all of the preceding paragraphs.

74. Principal Simpson-Marcus' daily name calling and threats of termination unreasonably interfered with Ms. Allison's ability to performance her job.

Count VI – Title VII - Hostile Work Environment (Sex)

75. Ms. Allison incorporates by reference all of the preceding paragraphs.

76. Principal Simpson-Marcus' daily name calling and threats of termination unreasonably interfered with Ms. Allison's ability to performance her job.

Count VII – Title VII (Retaliation)

77. Ms. Allison incorporates by reference all of the preceding paragraphs.

78. Prince George's County Public Schools retaliated against Ms. Allison.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays this court:

- (a) Issue a declaratory judgment that Defendant's acts, polices, practices and procedures complained of herein-violated Plaintiff's rights as secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; Title VII of the CRA; Title VI of CRA; Title IX of the Education Act; and, Order Defendant to make whole Plaintiff who has been adversely affected by the policies and practices described herein in an amount to be shown at trial and other affirmative relief;
- (b) Compensate the Plaintiff for loss pay and benefits, with interest;
- (c) Retain jurisdiction over this action to assure full compliance with the orders of the court and with applicable law and require defendant to file such reports as the court deems necessary to evaluate compliance;
- (d) To award them reasonable attorney's fees and costs of this action;
- (e) Award Plaintiff compensatory and punitive damages; and,
- (f) Grant such additional relief as the court deems just and proper; and

WHEREFORE, the premises considered, the Plaintiff demands judgment against the Defendant in the amount of five million dollars (\$5,000,000).

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

_____/s/_____

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