

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

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DARLENE BALL-RICE  
611 HARRY S. TRUMAN DRIVE  
UPPER MARLBORO, MD 20774,

Civil Action No.

Plaintiff,

v.

BOARD OF EDUCATION OF  
PRINCE GEORGE'S COUNTY  
14201 SCHOOL LANE  
UPPER MARLBORO, MD 20772,

Defendant.

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**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 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.

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 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.
4. 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.

#### Pendant Claims

5. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Intentional Infliction of Emotional Distress laws.
6. This is an action for declaratory relief; injunctive relief, damages and to secure protection of and to redress deprivation of rights secured by Maryland's Negligent Supervision and Retention laws.

#### **PARTIES**

7. Darlene Ball-Rice is a current employee of Prince George's County Public Schools.
8. The Prince George's County Public Schools are located in Prince George's County, Maryland.

**STATEMENT OF CLAIM**

**Darlene Ball-Rice**

Introduction

9. Darlene Ball-Rice has been employed as a secretary by Prince George's County Public Schools since October 1994.
10. Darlene Ball-Rice was a principal's secretary at Largo High School.
11. Ms. Ball-Rice is a forty nine (49) year old African American woman.

Hostile Work Environment

12. Principal Simpson-Marcus continuously humiliated her African American secretaries by calling them "chicken head", "bird", "hood rat" and "ghetto" in the presence of faculty, staff, parents, and students.
13. Terms like "chicken head" and "bird" are urban slang terms for slut, according to the Urban Dictionary website at [www.urbandictionary.com](http://www.urbandictionary.com).
14. These terms refer to the motion a woman's head makes when she performs fellatio.
15. Principal Simpson-Marcus specifically referred to one African American secretary as a "Palmer Park hood rat".
16. The term "hood rat" is an urban slang term for ghetto slut, according to the Urban Dictionary website at [www.urbandictionary.com](http://www.urbandictionary.com).
17. Ms. Ball-Rice and the other African American secretaries found slang terms like "chicken head", "bird", "hood rat" and "ghetto" that Principal Simpson-Marcus to be racially offensive.

White Teachers Targeted for Harassment and Termination

18. Principal Simpson-Marcus became the principal of Largo High School in 2007.

19. Principal Simpson-Marcus is an African American woman in her early forties.
20. Principal Simpson-Marcus openly despised older white teachers.
21. Principal Simpson-Marcus regularly refer to older white teachers as “poor white trash”, “dirty white man”, “old white ass”, and “old white bitch”.
22. In the presence of her staff, Principal Simpson-Marcus pledged to get rid of these teachers.
23. The method for getting rid of these teachers would be to give them negative job performance evaluations.
24. Principal Simpson-Marcus stated that she had the support of Superintendent Hite and Executive Director Monica Goldson.
25. Principal Simpson-Marcus particularly despised Jon Everhart, a white English teacher.
26. When referring to Mr. Everhart, Principal Simpson-Marcus would occasionally say to her staff, “I can’t stand that motherfucker”.
27. Principal Simpson-Marcus openly referred to Mr. Everhart as “poor white trash”.
28. In the spring of 2010, Mr. Everhart became ill at school.
29. Mr. Everhart stopped by the principal’s office to submit the forms that would allow him to take the remainder of the day off.
30. Ms. Ball-Rice accepted the completed forms from Mr. Everhart before he left the school to go home.
31. Days later, Principal Simpson-Marcus summoned Mr. Everhart to her office and accused him of not submitting the required forms.
32. Ms. Ball-Rice, who had accepted the required forms from Mr. Everhart, spoke up in Mr. Everhart’s defense.

33. Principal Simpson-Marcus expressed immediate displeasure with Ms. Ball-Rice.

Retaliation

34. Ms. Ball-Rice was outspoken in her opposition to Principal Simpson-Marcus' discriminatory practices.

35. Principal Simpson-Marcus instructed teachers and staff not to talk to or associate with Mr. Everhart.

36. Nonetheless, Ms. Ball-Rice and the other African American secretaries treated Mr. Everhart with due respect.

37. Principal Simpson-Marcus stripped away Ms. Ball-Rice's duties as a principal secretary.

38. Ms. Ball-Rice's duties were reduced to answering the phone and covering the front office.

39. Principal Simpson-Marcus taunted Ms. Ball-Rice with comments like, "Are you upset because I took your power away?"

40. Starting in 2007 – 2008 school year, Ms. Ball-Rice began to complain to William Barnes, a Director of the High School Consortium, about Principal Simpson-Marcus.

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

42. One day, after assisting a teacher, Ms. Ball-Rice overheard Principal Simpson-Marcus say to the teacher, "I know you didn't allow that bitch to help you with anything."

43. Ms. Ball-Rice was so distressed by the Principal Simpson-Marcus' comment that she rushed into her office and burst into tears.

44. In early 2010, Ms. Ball-Rice retained an attorney named John Finch.

45. From 2009 to 2010, Mr. Finch filed several race discrimination and retaliation complaints against Principal Simpson-Marcus with Superintendent William Hite, the Prince George's County Board of Education, the Maryland State Department of Education, the Maryland Attorney General's office on behalf several white and African American teachers at Largo High School.
46. When Principal Simpson-Marcus learned that Ms. Ball-Rice had retained Mr. Finch, she immediately requested that Ms. Ball-Rice be transferred to another school.
47. In August 2010, Principal Simpson-Marcus transferred Ms. Ball-Rice to another school against her will.
48. Ms. Ball-Rice had worked at Largo High School for sixteen (16) years and had purchased a home that was close to the school.
49. Due to the transfer, Ms. Ball-Rice effectively lost her position as a principal's secretary.

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

50. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.
51. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was unwelcomed.
52. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was based on her sex.
53. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was severe and pervasive.
54. Prince George's County Public Schools is liable.
55. Principal Simpson-Marcus was Ms. Ball-Rice's supervisor.
56. Ms. Ball-Rice complained about Principal Simpson-Marcus' harassment to William Barnes, a Director of the High School Consortium.

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

58. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Ball-Rice's work performance.

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

59. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.

60. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was unwelcomed.

61. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was based on her race.

62. Principal Simpson-Marcus' harassment of Ms. Ball-Rice was severe and pervasive.

63. Prince George's County Public Schools is liable.

64. Principal Simpson-Marcus was Ms. Ball-Rice's supervisor.

65. Principal Simpson-Marcus' daily harassment unreasonably interfered with Ms. Ball-Rice's work performance.

**Count III - Title IX (Retaliation)**

66. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs

67. Prince George's County Public Schools retaliated against Ms. Ball-Rice.

68. Ms. Ball-Rice engaged in protected activity by complaining about Principal Simpson-Marcus' discriminatory practices and retaining attorney John Finch.

69. Principal Simpson-Marcus responded to Ms. Ball-Rice's protected activity by threatening termination and taking away her job duties.

70. Principal Simpson-Marcus transferred Ms. Ball-Rice to another school against her will.

**Count IV – Title VI (Retaliation)**

71. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.

72. Prince George’s County Public Schools retaliated against Ms. Ball-Rice.

**Count V - Negligent Supervision and Retention (Prince George’s County Public Schools)**

73. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.

74. Principal Simpson-Marcus’ conduct was malicious.

75. Principal Simpson-Marcus’ malicious conduct caused Ms. Ball-Rice severe emotional distress.

76. Prince George’s County Public Schools breached its duty to protect Ms. Ball-Rice from Principal Simpson-Marcus’ malicious conduct.

**Count VI - Intentional Infliction of Emotional Distress (Prince George’s County Public Schools)**

77. Ms. Ball-Rice incorporates by reference all of the preceding paragraphs.

78. Principal Simpson-Marcus’ conduct was intentional and reckless.

79. Principal Simpson-Marcus’ conduct was extreme and outrageous.

80. Principal Simpson-Marcus’ conduct caused severe emotional distress.

**Emotional Pain and Suffering**

81. Ms. Ball-Rice suffers from anxiety, migraine headaches, and heart palpitations due to job stress.

82. Ms. Ball-Rice continues to experience emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other pecuniary and non pecuniary losses.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays this court:

- (a) Issue a declaratory judgment that Defendant's acts, policies, 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 VI of CRA; Title IX of the Education Act; Maryland's Intentional Infliction of Emotional Distress, Negligent Supervision and Retention; 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,

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