

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

**T.U., and Xiaolei Xu,** PLAINTIFFS

V. CASE NO. 5:24-cv-4095-TC-TJJ

DEFENDANTS

**Tonya Merrigan, in her individual and official capacity,**  
**Melissa Hillman, in her individual and official capacity,**  
**Mark Schmidt, in his individual and official capacity,**  
**Dan Carney, in his individual and official capacity,**  
**Amy Farthing, in her individual and official capacity,**  
**Suzanne Martin, in her individual and official capacity,**  
**Elizabeth Newell, in her individual and official capacity,**  
**Maury Hernandez, in her individual and official capacity,**  
**Cade Chace, in his individual and official capacity,**  
**Mary Brown, in her individual and official capacity,**  
**Meaghan Graber, in her individual and official capacity,**  
**Kristin Kellerman, in her individual and official capacity,**  
**Stephanie Cleland, in her individual and official capacity,**  
**Lily Bordoni, in her individual and official capacity,**  
**Kelly Northup, in her individual and official capacity,**  
**Peggy Salts, in her individual and official capacity,**  
**Polly Blair, in her individual and official capacity,**

**Kelly Beck, in her individual and official capacity,**

**Joann Woltman,**

**Clifford Cohen,**

**Crista Grimwood, in her individual capacity,**

**Diana Durkin, in her individual capacity,**

**Angela Gupta, in her individual capacity,**

**Michelle Dombrosky, in her individual capacity,**

### **SUPPORTING FACTS FOR ALL COUNTS**

1. Every single Defendant stated above is a citizen of the State of Kansas.
2. On September 28, 2022, during a parent-teacher conference, Plaintiffs, shared their concerns for the first time, about the way a teacher's aide called Stephanie Cleland, as well as some peers treated their son D.U. at school. One of the issues that D.U.'s parents was brought up during the conference was D.U.'s anxiety symptoms, such as failure to be responsive and failure to follow directions correctly and promptly.
3. Another issue that was brought up during the conference was D.U.'s frequent bathroom breaks (see Exhibit A). D.U.'s parents told Kristin Kellerman, one of D.U.'s homeroom teachers, that D.U.'s frequent restroom breaks were due to a medical condition that he had at the time (that he no longer has).
4. On the following days, D.U. was treated even worse and singled out by Stephanie Cleland, Kristin Kellerman's aide, which included harsh treatment and humiliation for minor or non-existent infractions, as well as closer scrutiny of D.U.'s restroom breaks.
5. D.U. had a very bad day at school on October 6, 2022. The next day, on October 7, 2022, he had a breakdown before going to school. Shortly afterwards, Plaintiff T.U. sent an email to Kristin Kellerman and to his principal, Meaghan Graber, accusing Stephanie

Cleland of emotional abuse.

6. As mandatory reporters, Meaghan Graber and Kristin Kellerman were supposed to report the abuse allegations regarding D.U., but they did not.
7. Although suspected child abuse reports are supposed to be confidential, Kristin Kellerman made D.U.'s father's email known to the entire school staff, and misrepresented herself as a victim and D.U.'s father as an abusive parent tormenting teachers in retaliation for administering negative consequences on D.U. as part of their jobs (see "Exhibit I" attached).
8. On October 7, 2022, Kristin Kellerman sent a misleading email to Meaghan Graber about the discussions she had with D.U.'s parents during the parent-teacher conference.
9. This email stated that the parents: could not name D.U.'s bullies; could not provide specific incidences about the bullying they claimed was happening; would take D.U. to a doctor regarding his frequent bathroom breaks based on the teacher's reports. Overall, Kristin Kellerman's email made it look like D.U. was taking frequent bathroom breaks because he did not like learning and these breaks were only happening at school.
10. In reality, during the parent-teacher conference, the parents: named several classmates as D.U.'s bullies; named Stephanie Cleland as the main reason behind D.U.'s victimization and behind his negative school experience; had informed Kristin Kellerman that they had made a doctor's appointment for D.U. before the parent-teacher conference because they had witnessed that his bathroom breaks at home had been unusually frequent.
11. In fact, the parents specifically told Kristin Kellerman that they were concerned about D.U. going to the bathroom around every half an hour at home. In her email to Meaghan Graber, Kristin Kellerman stated that D.U. went to the bathroom 15-20 times a day, despite teaching D.U. only about three hours a day or less.
12. The aforementioned email also indicates that in addition to frequent bathroom breaks,

Kristin Kellerman also felt annoyed with D.U.'s failure to follow instructions promptly and accurately in class, as well as with his apparent lack of motivation.

13. In other words, Kristin Kellerman could not tolerate D.U. displaying the physical and mental symptoms of disabilities such as overactive bladder and anxiety disorder, and let Stephanie Cleland punish him for that.
14. Plaintiff T.U. met with Meaghan Graber on October 10, 2022. In the meeting, Meaghan Graber did not acknowledge that Stephanie Cleland engaged in any misconduct, and yet she still promised the latter would back away from D.U.
15. In the same meeting, Meaghan Graber agreed that D.U. would not be penalized for displaying anxiety symptoms such as failing to follow instructions promptly and accurately. Meaghan Graber also agreed that Peggy Salts would step in facilitate positive relationships between D.U. and his classmates. None of these promises were kept whatsoever.
16. On the way to the meeting, Plaintiff T.U. came across with Kelly Beck, who had been very friendly and cordial to him before. However, she was strangely distant to Plaintiff T.U. on that day, and she has consistently remained so to both Plaintiffs since then, unwilling to acknowledge their presence even.
17. Plaintiff T.U.'s advocacy for his son and the unofficial complaint he made against Stephanie Cleland, and Meaghan Graber's irresolute response to it, elicited a vicious retaliation by Kristin Kellerman and Stephanie Cleland, the two of whom were not only associates, but also good friends.
18. The aforementioned retaliation was not only against Plaintiff T.U., but also against his entire family, including D.U., his brother A.U., who was attending the same school, i.e., Wolf Springs Elementary (from hereinafter "WSE"), and his mother Xiaolei Xu, who was at the time a teacher's aide at the same school.

19. The retaliation included spreading false rumors about the entire family, which destroyed the family members' social standing among students, teachers, and parents. As a result, many students, teachers, and administrators turned against the family by late November, 2022.
20. In particular, from October 2022 onwards, Kristin Kellerman allied with Polly Blair, Benjamin Wang, Peggy Salts, Kelly Northup, and Meaghan Graber. This protective teacher clique conspired against D.U. and his family by defaming and isolating them, as well as by framing cases against them.
21. Specifically, Kristin Kellerman tried to convince school staff that D.U. had behavior issues. Towards this aim, she used a behavior chart on D.U. and pressured other teachers to do the same, without his parents' consent or knowledge.
22. Strangely, the reward associated with the behavior chart was playing video games in class. Thus, D.U. got to play video games during class time, which isolated him from his peers and which alienated his peers from him.
23. The clique began to hold meetings from October 2022 onwards, to discuss D.U.'s so-called behavior issues, and began to subject D.U. to harassment by making him out to be and treating him as a disruptive student.
24. As a result of the efforts of the aforementioned teacher's clique, D.U.'s parents received four reports from teachers in October and November 2022, construing minor or non-existing infractions of D.U. as misbehavior: one from the PE teacher on October 13, 2022; two from Benjamin Wang, on October 18 and November 16, 2022; one from Polly Blair on November 17, 2022. The timing and nature of these emails indicated that there was a concerted effort behind them and that they were sent in retaliation to D.U.'s parents' advocacy for him.
25. On October 26, 2022, D.U.'s parents met with Meaghan Graber and Kristin Kellerman.

The meeting was held because the parents requested it to normalize their relationship with Kristin Kellerman, meaning that they wished for bringing an end to her hostility and retaliations against their family.

26. However, the parents were disappointed with Kristin Kellerman's attitude in the meeting. She was visibly unhappy and distant during the meeting, and she asserted that D.U. was disruptive in class, in striking contrast to her comments about him during the parent-teacher conference. Meaghan Graber told D.U.'s father after the meeting that Kristin Kellerman would be on board but just needed some time to process.
27. On October 28, 2022, Kristin Kellerman emailed D.U.'s father, informing him of his Halloween writing hanging on the wall at school. The writing had a Halloween theme, and hence had the potential to be misrepresented like his artwork that was used by Blue Valley on February 17, 2023, to justify the claim that D.U. was a threat and needed to be transferred to another school.
28. Kristin Kellerman normally did not initiate email communications with D.U.'s father. By hanging such a writing at school and informing everyone about it, Kristin Kellerman was trying to convince everyone that D.U. was a threat, and hence was planting the seeds of the murder list hoax that would occur on February 10, 2023.
29. Lily Bordoni, A.U.'s 5th grade ELA teacher, also followed Kristin Kellerman's lead and turned against the family after October 10, 2022. In late October, for instance, she delayed and effectively tried to block A.U.'s entry into a math competition against his and his parents' wishes. She also started to badmouth A.U. and falsely accused him of theft and other wrongdoings, which was in striking contrast her attitude towards A.U. and towards his parents before October 10, 2022.
30. Consequently, Plaintiff T.U. filed an official complaint with Meaghan Graber against Stephanie Cleland in December, 2022. As a result of this complaint, Stephanie Cleland

did not return to her position after the winter break, in January 2023.

31. Yet, D.U.'s social standing at school continued to deteriorate and hit rock bottom in early January, 2023. Specifically, he became an absolute pariah and a scapegoat in January 2023.
32. Their teachers began to make both D.U. and A.U. out to be threats, beginning from January 2023, based on the false reports made by their peers and/or on ambiguous evidence. E.g., on January 12, 2023, D.U.'s silly artwork (see Exhibit B) was confiscated for being intimidating.
33. In the early morning of January 18, 2023, Plaintiff T.U., via email, questioned Lily Bordoni for assigning A.U. unusually low grades.
34. On January 18, 2023, a guitar string winder (see Exhibit C) that A.U. randomly found on the floor was confiscated by his teacher, Lily Bordoni, as a peer falsely reported to the teacher that A.U. was playing with it like a gun. On January 19, 2023, A.U. was interrogated for an hour by Meaghan Graber because a single peer falsely reported to Lily Bordoni's co-teacher that he said to her at lunch "I'll bring my gun and kill you!".
35. On January 24, 2023, Plaintiffs met with Peggy Salts and Meaghan Graber to ask for their help to stop the hostility against the family, and especially against the D.U. Peggy Salts said in the meeting that "We can't force friendships."
36. Peggy Salts also refused to give information about the investigation into A.U.'s alleged death threats. It was apparent that they did not even question the witnesses at the lunch table, where the death threat was allegedly uttered. They just elicited a report from A.U.'s bully, and then interrogated A.U. to elicit a confirmation/confession. They had no interest in finding out the truth, they were only interested in framing A.U.
37. Overall, certain teachers used certain peers as proxies, along with ambiguous evidence, to frame cases against A.U. and D.U.

38. Concerned about the impact of social isolation, rejection, and constant humiliation on D.U., his parents requested Meaghan Graber for a meeting with the school psychologist in early February, 2023.
39. When their request was denied by Meaghan Graber, D.U.'s parents asked the school social worker for help. D.U.'s mother met with the school social worker on February 3, 2023, and both of D.U.'s parents met with her on February 6, 2023.
40. Polly Blair apparently prepared a note for Meaghan Graber in late January, along with copies of D.U.'s artwork. Overall, this "report" indicated that Polly Blair treated D.U. as a threat and wanted others to see and treat him in the same manner.
41. Specifically, the note said that "do with this what you will, but this is typical work that D... does in Art. Usually fighting stick figures. Today he abandoned this [i.e., the artwork that Poly Blair attached to her report] to do legos on the rug."
42. On February 8, 2023, Lily Bordoni sent an email to Meaghan Graber, saying that she was concerned about A.U. searching for the words "bomb" and "dummy island" on Wikipedia.
43. On February 8, 2023, a bullying incident happened in D.U.'s class. A group of students stood on chairs and tables, chanted "A... is gay", held signs saying "A... is gay". The target of this bullying was A.W., the son of Joann Woltman, who is a judge in Johnson County Courthouse.
44. This bullying incident, which was confirmed by Meaghan Graber in her email exchange with Plaintiff T.U., created a big disruption in the community, and many parents mentioned the incident on social media. To the best of Plaintiffs' understanding and knowledge, Blue Valley closed the case by scapegoating D.U., although D.U. stood up for A.W. against his bullies during the incident.
45. Specifically, Blue Valley officials promised to restore order in that class, at least in part



by removing D.U., in order to avoid a Title IX lawsuit, which Tonya Merrigan experienced during her career in Blue Valley (*Clark v. Blue Valley Unified Sch. Dist. No. 229*, Case No. 12-CV-2538 (D. Kan. Jul. 25, 2013)), and which remains to be the main legal claim made by bullying victims against public schools.

46. On February 9, 2023, Kelly Beck, a parent and at the same time a former administrative assistant at WSE, reported a lunch incident involving D.U. to Meaghan Graber. The incident happened on her last day at WSE, on January 31, 2023.

47. The incident was based on the allegations of a peer or peers, who reported to Kelly Beck that D.U. made gun gestures. In her email, Kelly Beck tells Meaghan Graber the exact time when the peer made the report, i.e., 1:31 pm.

48. In the same email, which has the subject line “Follow Up to 3rd Grader On My Last Day”, Kelly Beck supplies Meaghan Graber with multiple other leads to chase to help frame a case against D.U., including the footage of an alleged playground scuffle between D.U. and another student.

49. Although Kelly Beck left WSE on January 31, 2023, and already passed the gun gesture report she received to Kelly Northup and Peggy Salts on the same day, she sent an email to Meaghan Graber, on February 9, 2023, on a snow day, to report the same incident, along with other leads that would help to build a case against D.U.

50. Overall, Kelly Beck’s email suggests that there had been a concerted effort of at least Kelly Beck, Kelly Northup, and Peggy Salts, who watched footage, confiscated his artwork, and elicited reports from peers to frame a case against D.U.

51. On February 9, 2023, Meaghan Graber reported to A.U.’s parents that he typed the word “bomb” on Wikipedia while at school, which she construed as a serious threat.

52. Yet, A.U. denied searching for the word “bomb”, and his search history around that time strangely contained some words that he did not know, such as “C4” and the names of

some Harry Potter characters. At that time, A.U. did not know anything Harry Potter, and his official search history shows that bomb was typed twice at 12:04 pm, and “C4” and “nuclear bobmb” once each at 12:05 pm (see Exhibit J attached).

53. Thus, Lily Bordoni was trying to frame a case against A.U. and was digging up dirt on A.U. so that she could supply Meaghan Graber with the evidence needed to frame a case.

54. It is meaningful that some school staff were so busy digging up dirt on D.U. and A.U. on a snow day, and that both A.U. and D.U. were made to leave school for good on the next day.

55. D.U. was accused of having a murder list based solely on a single peer’s report on February 10, 2023. Consequently, D.U. was secluded and indefinitely banned from WSE on the same day. Neither D.U. nor A.U. would ever be able to go back to WSE again.

56. D.U. was secluded right before lunch time, which was around 1:10 pm. He spent the rest of the day in Peggy Salts’ office. Peggy Salts and Meaghan Graber interrogated D.U. without Xiaolei Xu, who was not brought to Peggy Salts’ office until around 3:00 pm.

57. That means Peggy Salts and Meaghan Graber interrogated D.U. and fished for a confession for around one and a half hours without his mother, who was present in the building all along due to her teacher’s aide position at WSE. This was in striking contrast to the procedure followed in A.U.’s case, where Xiaolei Xu was present from the outset of A.U.’s interrogation.

58. Meaghan Graber told Xiaolei Xu that she would determine D.U.’s consequences later, suggesting that his guilt had already been determined but that she just needed more time to build a stronger case against him. Yet, Meaghan Graber and Overland Park School Resource Officer had already mutually agreed that there was no sign of a threat on that day, and that D.U. did not even know what a murder list was.

59. D.U.’s parents subsequently found out that Kristin Kellerman had told Kathleen Baker, a

relative of hers, during a family function that A.U. was making bombs and D.U. was going to shoot up the school. Kathleen Baker reported this information to the police, and it was the ensuing police investigation that resulted in D.U.'s seclusion and his subsequent ban from school on February 10, 2023.

60. Plaintiff T.U. retained a so-called student rights lawyer, Clifford Cohen, to defend D.U. against the disciplinary action Blue Valley is taking against him. Blue Valley's board attorney, Melissa Hillman, who had a good rapport with the lawyer, badmouthed the family to him, who consequently turned against the family (see Exhibit D). The lawyer only pushed D.U.'s parents to accept the outcome pre-determined by Blue Valley, and when Blue Valley announced this outcome, he withdrew, saying that there was nothing that could be done to challenge the outcome.
61. Blue Valley held a so-called re-entry meeting on February 17, 2023. The only findings that were presented to D.U.'s parents during the meeting were his silly artwork (see Exhibit E). The parents were told that there was no murder list, but that a peer reported that D.U. said he had a murder list.
62. During the meeting, Blue Valley bigwigs tried to talk the parents into requesting a transfer to a school of their choice. They referred to this transfer as a "fresh start", which constituted a carrot for their offer, which the parents refused.
63. After the meeting, Blue Valley offered another deal to the parents. This time, however, the deal also included a stick besides the carrot: the consequences of not accepting the deal would be a suspension and imposition of strict rules on D.U., such as assigning a monitor to him, not allowing him to bring a backpack, frequent inspections, etc.
64. On the same day, Plaintiff T.U. reported the teachers who framed cases against D.U. and A.U. to Blue Valley bigwigs. He also posted the aforementioned unscrupulous deals offered by Blue Valley on a private Facebook group made up of by WSE parents and

administered by Kali Kasprzyk, also a WSE parent.

65. In retaliation, the Superintendent of Blue Valley, Tonya Merrigan, instructed Plaintiff T.U. to cease communications with WSE staff on February 18, 2023. On the same day, Melissa Hillman banned T.U. from communicating with WSE staff, and threatened to restrict his access to school altogether if he violates the ban (see “Exhibit K” attached).
66. On February 19, 2023, T. U. made a counteroffer to BVSD: The Parents would request a school transfer for both of their children as long as their names were cleared from the accusations. BVSD dismissed this offer, saying that they would make the announcements they deemed appropriate. BVSD also stated that they had "revoked" the children's transfer to WSE and were sending them back to their so-called "home school", Cedar Hills Elementary (hereinafter “CHE”). In reality, the two children had never attended CHE a single day in their lives.
67. D.U.’s parents subsequently heard that Meaghan Graber made an announcement to the WSE staff, stating that both A.U. and D.U. made death threats, and that their parents consequently requested their transfers to another school.
68. On February 20, 2023, Clifford Cohen told Plaintiff T.U. in an email that Melissa Hillman accused him of threatening Blue Valley officials and faculty on social media. Clifford Cohen acted as if Melissa Hilman was telling the truth, did nothing to verify her allegations against his client, such as asking either her or his client for those posts. Instead, Clifford Cohen informed Plaintiff T.U. in the same email that he was withdrawing from representation, as he had nothing else left to do regarding the case.
69. Before A.U. and D.U. started attending CHE, Amy Farthing, a district executive, suggested in an email that the parents consider alternative schooling options, namely virtual learning and homeschooling (see Exhibit F).
70. Rumors about A.U. and D.U. spread like wildfire at CHE. As a result, both A.U. and

D.U., and especially the latter, were treated by peers and teachers with prejudice. In particular, D.U. was singled out and humiliated by his homeroom teacher, Mary Brown.

71. For instance, on February 28, 2023, on his first day at CHE, Mary Brown was already talking to D.U. in a belittling way such as “walk like a third grader!”.

72. In late March 2023, D.U. was doing the wrong work and Mary Brown scolded him in front of the whole class. His peers were looking at him like an alien, and he was extremely embarrassed.

73. At around the same time, in one email, Mary Brown said something like “after the whistle was blown to signal the end of recess, 125 third graders lined up, but D... was still in the middle of the playground”. In that sense, Mary Brown shared the exact same intolerance towards D.U. anxiety symptoms with Kristin Kellerman and Stephanie Cleland, and similarly punished him for displaying them.

74. Mary Brown also misled D.U.’s classmates and prejudiced them against D.U. by telling them that he had been expelled from his previous school.

75. As a result of continuous singling out and humiliation by Mary Brown, D.U. lost all his social standing among his classmates by late March 2023, and became the lightning rod for peer bullying, similar to his experience at WSE. Thus, D.U. had serious school avoidance issues and stopped going to school in April, 2023.

76. Consequently, D.U.’s parents asked the principal of CHE, Cade Chace, to dispel the expulsion and murder list rumors about D.U. and to make the school safe for him. In response, Cade Chace threatened to report truancy if D.U. did not attend CHE, or if he did not enroll in virtual learning or a school other than CHE.

77. From April 2023 onwards, Plaintiff T.U. reported Blue Valley’s wrongdoings and D.U.’s consequent truancy to Blue Valley and KSDE board members, and received no response. Over the summer, Plaintiff T.U. received a notice from his email provider, showing that

Michelle Dombrosky, a KSDE board member, blocked his emails.

78. The emails Plaintiff T.U. sent to Blue Valley personnel were similarly blocked between April and August, 2023, without informing neither him nor the Blue Valley personnel he was trying to communicate with, including a district executive and several personnel in three different schools. The emails concerned important issues such as a request to view D.U.'s educational records, requests for special education evaluations, complaints filed with the school board, and D.U.'s enrollment in Liberty View Elementary (from hereinafter "LVE"), another Blue Valley school.
79. On August 10, 2023, Plaintiff T.U. filed complaints against the teacher clique at WSE with Meaghan Graber, and against Mary Brown with Cade Chace. He also shared his complaints with Blue Valley Board of Education.
80. On August 11, 2023, Plaintiff Xu sent an email to Meaghan Graber to request his disciplinary record to be corrected (see "Exhibit L" attached).
81. In retaliation against these inquiries, requests, and complaints, Melissa Hillman sent both Plaintiffs an email on August 14, 2023, informing that they were banned from accessing WSE and CHE property and personnel. Melissa Hillman also threatened to take further action, including a complete ban on Blue Valley property and personnel, if they did not comply with her instructions (see "Exhibit M" attached).
82. On August 15, 2023, Plaintiff T.U. went to LVE for the third time to meet with the principal, the school counselor, and D.U.'s home teacher, Suzanne Martin, Elizabeth Newell, and Maur Hernandez, respectively, before school started. The aforementioned LVE personnel clearly had a different attitude towards Plaintiff T.U. this time: Plaintiff T.U. received a lot of pushbacks from them, who acted as if D.U. was a bad kid and his parents were bad parents.
83. On August 19, 2023, there was a small conflict between D.U. and a classmate who is the

son of Eric Punswick, the Human Resources Director of Blue Valley, that would happen among 4th grade boys every day at school. However, D.U.'s homeroom teacher, Maury Hernandez, sided with D.U.'s classmate against D.U., and vilified and humiliated D.U. in front of the whole class.

84. The next day, on August 20, 2023, several classmates were hostile to D.U. A classmate sitting next to him at lunch started an argument with D.U. by falsely accusing him of not completing his test. When D.U. refuted the allegations, the boy threatened to perform karate on him. When D.U. did not yield, he performed a karate chop on D.U.'s back. D.U. retaliated by hitting him in the back. D.U. remained in the defensive posture during the entire conflict, while the other boy remained in the offensive posture. Suzanne Martin, the principal, however, attributed more blame to D.U. for the incident by arguing that the boy simply expressed the impression he got that D.U. did not complete his exam, and that it was D.U. who "invited" him to perform karate.
85. On August 21, 2023, D.U. and his classmates were doing a word puzzle in the computer class. D.U. guessed words such as "poop" and "fart" and typed them on his screen as possible answers. Two kids saw the two words and giggled. The computer teacher reported the incident to Maury Hernandez, who reported it to the parents by saying that D.U. caused a big disruption in the computer class by typing the words "poop" and "fart" for everyone to see. D.U. was not even aware of an incident happening in the computer class, and he was shocked and upset when his parents told him that he was accused of instigating a big disruption.
86. In an email she sent to Suzanne Martin on August 28, 2023, the way Erin Lorton explains the "poop and fart" incident shows that D.U. did not cause a big disruption at all. In the same email exchange, Suzanne Martin requests for a very detailed explanation for the incident and implicitly blames the parents for being a nuisance, creating the impression

that parents are too inquisitive and protective.

87. Specifically, Suzanne Martin's request clearly serves to alienate Erin Lorton from D.U.'s parents, and hence from D.U. E.g., Erin Lorton finishes the email with "...are his parents reaching out specifically about the incident today? Or are they just wanting detailed reports on everything?"
88. Although the parents wanted to communicate with Erin Lorton directly, Suzanne Martin informed them that direct communication between teacher aides such as Erin Lorton and parents are not allowed.
89. In early September 2023, the son of Eric Punswick angrily said to D.U. "I'll kill you" and admitted it. Yet, Suzanne Martin told D.U.'s parents that the context and the intent of the death threat did not warrant an investigation, as it was just "words". In striking contrast, BVSD turned D.U.'s and his entire family's world upside down when D.U. was accused of the same wrongdoing at WSE.
90. In September 2023, Plaintiff T.U. retained a special education lawyer. Melissa Hillman badmouthed the family to the lawyer, which resulted in the termination of his representation of the family in October, 2023.
91. On September 20, 2023, the principal sent an email titled "request for space", alleging that D.U. was harassing two students. The alleged harassments were in the form of twerking really close to a boy's head and touching a girl. As always, the allegations against D.U. were solely based on a single peer's oral reports and were refuted by D.U.'s accounts.
92. On September 24, 2023, Maury Hernandez sent an email to Lydia Richardson, Erin Lorton, Benjamin Bond, Sandra Powell, and Stephanie Ray, with the subject line "student sparation". The email singles out D.U. as a problematic kid that causes intra-peer conflicts and creates stressful and difficult situations for teachers, thereby



prejudicing all of D.U.'s teachers against him.

93. Such communications with teachers are in striking contrast to Plaintiffs' communications with Suzanne Martin, Elizabeth Newell, and Maury Hernandez, all of whom agreed that teachers would extend anxiety-related accommodations to D.U., such as tolerance for his failure to follow instructions promptly and accurately. That means the aforementioned teachers were being two-faced: showing one face to Plaintiffs and another one to the rest of the LVE staff.

94. On October 25, 2023, D.U. was diagnosed with anxiety disorder by the Johnson County Mental Health Center. In early December, 2023, the parents requested D.U.'s case manager from the Johnson County Mental Health Center to observe D.U. at school. Suzanne Martin, the principal of LVE, stonewalled these requests. D.U.'s case manager was never given permission to observe D.U. at school.

95. After that, D.U.'s case manager and her supervisor began to turn against the family. In late December 2023, D.U. began to go to the basement to hide from his case manager when she came to his house. As a result, a new case manager and a supervisor had to be assigned to D.U. in January, 2024.

96. On December 6, 2023, Plaintiff T.U. sent an email to Suzanne Martin, commenting on the safety plan she had proposed earlier that week, and asking for a plan that does not vilify D.U. and that does not prejudice subs and teacher aides against him from the outset.

97. In retaliation, on December 8, 2023, Suzanne Martin started to share daily write-ups of D.U.'s behavior at school with his parents. These write-ups singled out D.U. for alleged disruptive behavior and aggression in a variety of contexts, such as lunch and specials. The parents never observed D.U. engaging in such behavior, which is also not consistent with D.U.'s educational and medical history. The write-ups give the reader the

impression that, at best, Suzanne Martin was scrutinizing D.U. much more closely than his peers to dig for dirt on him. When the parents asked Suzanne Martin to produce footage related to a behavior she reported, she first ignored their request, and subsequently denied it.

98. On December 12, 2023, D.U. was accused by the son of Eric Punswick, of trying to start a fight with him, by saying "come and fight me", and by raising his fists in physical education (from hereinafter "PE") class. D.U. denied all the allegations, but was aggressively interrogated by Suzanne Martin and Maury Hernandez and treated as if he was guilty.

99. On December 13, 2023, Plaintiff T.U. sent an email to LVE teachers about D.U.'s truancy and the accommodations that D.U. needed. Later, on the same day, Melissa Hillman officially imposed a ban on Plaintiff T.U.'s access to Liberty View personnel and property.

100. When Plaintiff T.U. questioned the alleged reasoning behind the ban, Melissa Hillman retaliated by extending the ban to A.U.'s school, Pleasant Ridge Middle, in the same email chain.

101. On December 20, 2023, D.U. went to school with his mother only to attend the class holiday party. However, they were not allowed to attend the party, and instead were directed to the principal's office to watch the footage from the aforementioned PE class. Suzanne Martin interpreted D.U.'s gestures shown in the footage in bad faith and made threatening motions out of them. She gave D.U. an in-school suspension as a consequence of these motions. Although Suzanne Martin said that he would serve in-school suspension next time he came to school, she still stopped him from going to the party, obviously out of spite. The school staff similarly stopped D.U.'s class from going to the party to avoid an encounter between D.U. and his classmates on the way.

102. To whitewash her arbitrary and discriminatory conduct, Suzanne Martin tried to make it look like, by sending an email to the parents in the evening, that D.U. was not allowed to go to the party so that he could serve his in-school suspension.
103. Note that Suzanne Martin originally wished to view the footage after school. She did not need to postpone the party to have D.U. watch the footage. Moreover, she could have still let him attend the party after he watched the footage. Further, she did not need to ruin the class party for D.U.'s classmates. After school, she sent an email to all the parents in the class, implicitly attributing the blame for the disruption of the class party to D.U., without giving his name.
104. On December 22, 2023, Dan Carney, the Head of Security in Blue Valley, said in an email to Plaintiff Xu that he concurred with Suzanne Martin's interpretation of the PE footage, suggesting that he also construed D.U.'s body motions as a threat.
105. On October 5, 2023, Dennis Stanchik was assigned as the Guardian Ad Litem of D.U. by the truancy court.
106. Dennis Stanchik talked to D.U.'s parents only once, on November 3, 2023. Their conversation was via Zoom and lasted half an hour.
107. Dennis Stanchik never talked to D.U. He saw D.U. only once, through Zoom, when D.U. appeared during his first truancy hearing on November 9, 2023.
108. To the best of the parents' knowledge, Dennis Stanchik never interviewed D.U.'s therapist. It is not even clear if he ever interviewed his case manager from the Johnson County Mental Health Center, or anyone else who knows D.U. To the best of the parents' knowledge, Dennis Stanchik never went to school to meet with or observe D.U.
109. Yet, Dennis Stanchik attributed D.U.'s truancy to the so-called mental health issues going on in the family. As a result, he demanded mental evaluations of D.U. and his parents during a truancy hearing in early January, 2024.

110. Dennis Stanchik also requested the parents to sign release of information forms with the evaluators so that he could “prime” them (by letting them know what is “wrong” with the parents) before they conduct the evaluations. He made it clear that he wanted to reach out to the evaluators prior to the evaluation, rather than after the evaluation.
111. When the parents challenged Dennis Stanchik’s rationale during the truancy hearing, the judge threatened to take D.U. away from the parents if they did not proceed with the mental evaluations. Judge Jenifer Ashford explicitly ordered the parents during at least one hearing to do the mental evaluations for D.U. and for themselves, as well as to sign the release of information papers for Dennis Stanchik so that he could access the evaluators.
112. When Plaintiff T.U. subsequently went to the District Courthouse and made an inquiry with one of the clerks, however, he was told that there was no such court order. Moreover, the parents received the previous court orders by mail before December 2023, but they received no court orders in writing afterwards. All the court orders from January, 2024 onwards were stated by the judge orally during the hearings, all of which took place via Zoom.
113. Neither Judge Ashford nor Dennis Stanchik elaborated on their allegations against the parents, i.e., why D.U. and his parents needed mental evaluations, despite the multiple inquiries the parents made during hearings and in writing.
114. The truancy court also triggered an educational neglect investigation on the parents by falsely reporting them to the Department for Children and Families (from hereinafter “DCF”). DCF subsequently ruled that the educational neglect allegation against the parents was not substantiated.
115. On January 4, 2024, D.U. went back to school, and Suzanne Martin’s daily disciplinary reports resumed. In that regard, all the disciplinary reports the parents

received about D.U. between December 2023 and February 2024 were written by Suzanne Martin only.

116. On January 4, 2024, on the first day of the spring semester, D.U. very much wanted his father to have lunch with him at school. His therapist and his father had walked him to school that morning from home. When T.U. was accompanying D.U. at lunch in the school cafeteria, and had no intention to engage with anyone other than his son, Suzanne Martin came along and asked him to leave.

117. T.U. asked Suzanne Martin whether he could leave after D.U. ate his lunch. Suzanne Martin told him that he could go out and have lunch with D.U. in his car in the parking lot.

118. D.U. did not understand why his father had to leave or why they had to go to the car to eat lunch. His father did not want to upset him by discussing the issue and abruptly left the premises, while D.U., who was puzzled and disappointed, was still eating his lunch. Plaintiff T.U. was accompanied to the outside of the school gate by Suzanne Martin.

119. After that, Plaintiff T.U. had issues with D.U.'s drop-off at school a few times because he had to sign in when D.U. was tardy, but since he was not allowed inside the school, he had to wait for school staff to come outside with the sign-in sheet. D.U.'s school avoidance made things much harder because D.U. wanted his father to walk in with him, and was very disappointed and puzzled when his father could not do so.

120. On January 24, 2024, D.U. was effectively assigned a monitor. He had a bad day because, in his words, he had a "evil person" scrutinizing him all day. She (apparently a paraprofessional, i.e., a teacher's aide) kept on monitoring him, following him around, and scolding him. Further, she made him take forced breaks. E.g., she took him out and did not explain him why they were going out and where they were going. They were

walking outside the classroom, and D.U. asked her where they were going. She answered dismissively: “we are just walking”. D.U. had no idea what was going on, nor whether he had done something wrong or not.

121. On January 26, 2024, D.U. was intensely interrogated by Suzanne Martin and the school counselor, Elizabeth Newell, because he allegedly punched a classmate called M.T., in the face. As usual, the allegation was based on M.T.’s account only, which D.U. absolutely denied, and there was no other witness.

122. On January 29, 2024, D.U. got punched in the back by a strange student in the bathroom when he was walking towards the sink to wash his hands after urinating. When he turned around, he got kicked in his genital area very hard twice. He told about the incident to his friends in the classroom, who encouraged him to report the incident to the classroom teacher, Maury Hernandez, which he did.

123. After school, however, Suzanne Martin sent the parents an email saying that D.U. was given an out of school suspension because he made derogatory remarks about a classmate (specifically, D.U. said that she was mean) and violated her personal space.

124. On January 30, 2024, D.U. did not go to school to serve his one day out of school suspension unfairly and improperly given by the principal, even though the parents were given a court order that prohibited D.U. from out of school suspensions. On December 20, 2023, however, the same principal explicitly said that she had changed D.U.’s out of school suspension (similarly unfair and improper) to in-school suspension due to the same court order.

125. Between January 31 and February 2, 2024, D.U. saw doctors to get the impact of the bathroom attack checked, which included an ultrasound check as recommended by his pediatrician.

126. On February 10, 2024, Dan Carney sent an email to Plaintiff T.U., referring to

T.U.'s "intrusion" into school cafeteria on January 4, 2024, saying that *"This letter will serve as a final warning that you are not to enter upon the premises of Liberty View Elementary School at any time for any purpose other than to transport D.U. to and from school. You are not to enter the school building. If you choose to ignore this warning and not follow it, you will not be allowed to enter upon the school premises for any purpose, including transporting your son to and from school."*

127. On February 14, 2024, the students were allowed to have second helpings at lunch, except for D.U. The lunch lady refused to serve D.U. the second helping, saying that he was not allowed. D.U. told a supervising teacher that he could not receive his second helping, and the two went to the lunch lady together. The lunch lady repeated that D.U. was not allowed to take the second helping. She did not explain why he was not allowed but simply refused to serve D.U. This incident exemplifies of the widespread rumors and prejudice against D.U. at LVE. The lunch lady does not deal with D.U., the two have no history, and D.U. had not done anything to her, but she still saw and treated him differently from other students.

128. On February 12, 2024, Suzanne Martin shared another write-up, alleging that D.U. stepped on a classmate's fingers and said "I'll kill you!". D.U.'s father saw that classmate (who was D.U.'s best friend until recently) when he picked up D.U. from school. The classmate seemed very scared, running away from D.U., as if D.U. was going to seriously harm him. D.U., however, was far away from him and was minding his own business. The two used to come out of school together and looked very intimate until recently.

129. The parents subsequently found out that the classmate's mother had been told that D.U. stepped on his son's fingers on purpose. She also received write-ups from school staff about D.U.'s alleged bullying of her son, which were never shared with D.U.'s parents.

130. On February 21, 2024, Plaintiff succumbed to the pressure the family had been receiving from Dennis Stanchik as well as from the truancy court, disenrolled D.U. from LVE, and registered for D.U. homeschooling. As a result, the truancy case against D.U. was dismissed.
131. By February 29, 2024, Suzanne Martin had totally dismissed the bathroom attack. An Olathe police officer told D.U.'s parents that Suzanne Martin told her on the phone that the two kids were just goofing around in the bathroom. As a result, the police officer transferred the case to a detective.
132. D.U.'s father T.U. came across Maury Hernandez near the school shortly after he unenrolled D.U. from LVE. Maury Hernandez was driving on Greenwood Road when she spotted T.U., stopped by him, and had a small chat with him. T.U. had never seen Maury Hernandez that happy.
133. Similarly, shortly after D.U. was unenrolled from LVE, Xiaolei Xu went to school to pick up D.U.'s supplies and records. There she came across Elizabeth Newell, who was, like Maury Hernandez, was extremely happy. Xiaolei Xu had never seen her that warm and enthusiastic towards her before.
134. In early January 2024, Plaintiff filed a special education complaint with KSDE. His emails initially did not go through. As a result, he used another email account to file his complaint.
135. The investigator assigned to the case, Diana Durkin, talked to Plaintiff on the phone for around 25 minutes, and that was the only significant information exchange between the two.
136. Yet, Diana Durkin had had a phone conversation with the Special Education Director of BVSD, Mark Schmidt, beforehand, and then she had a Zoom meeting with both Mark Schmidt and Melissa Hillman after her conversation with Plaintiff.



137. In their phone conversation, Diana Durkin did not ask Plaintiff for more evidence. She also did not do a field investigation to gather evidence, although Plaintiff had requested that in his complaint. Almost all the phone conversation focused on functional behavior analysis (from hereinafter “FBA”).

138. After spending so much time on discussing FBA, Diana Durkin concluded the phone conversation by saying something like “the school did not proceed with FBA since you did not give consent, and that is why there is no violation of IDEA (Individuals with Disabilities Education Act).” If there was nothing to talk about FBA, then why did she talk about FBA the entire time?

139. In addition, Diana Durkin said that FBA is used to resolve issues such as school avoidance. Plaintiff found the suggestion preposterous and told her that FBA is typically meant for behavioral challenges such as outbursts, whereas avoidance or phobia-related restraints in school avoidance cases are the complete opposite.

140. Diana Durkin’s legal research was equally dubious. The case law she referred to in her report, *L. F. v. Lake Washington Sch. Dist.* #414, 947 F.3d 621, was mainly a civil rights case, claiming restriction of free speech and retaliation pursuant to the First Amendment and Section 504, respectively. The case in no way concerned parental participation pursuant to IDEA.

141. Diana Durkin told Plaintiff on the phone that her job was to assess his complaint based on the criteria set by special education laws, not by any other laws. In her legal analysis, however, she applied the First Amendment and Blue Valley’s Handbook to assess the violation of parental participation claim made by Plaintiff under IDEA (see Exhibit G).

142. Plaintiff and his wife later found out that Mark Schmidt engineered A.U.’s and D.U.’s special education evaluations to make out the two to be the kind of children who

would disrupt the educational environment. In that regard, Mark Schmidt used Blue Valley's special education program as a tool to whitewash the murder list and bomb hoaxes at WSE.

143. Specifically, Mark Schmidt aimed to attach an autism spectrum disorder (from hereinafter "ASD") label to D.U., and an attention deficit hyperactive disorder (from hereinafter "ADHD") label to A.U. That is because these labels are closely associated with disciplinary issues and student arrests in elementary schools, and thereby making A.U. and D.U. fit the threat profile.
144. Yet, D.U. was evaluated by private and public providers multiple times after he was traumatized by the murder list hoax, and was diagnosed with anxiety, but was never diagnosed with ASD. Similarly, A.U. was evaluated many times before the murder list hoax due to his anxiety, but was never diagnosed with ADHD. Moreover, neither A.U. nor D.U. received or needed any accommodations associated with ASD or ADHD in their lives.
145. Further, neither A.U. nor D.U. had any history of behavior issues, and both had impeccable disciplinary records before starting attending Blue Valley schools in August, 2022. E.g., D.U. was not even once sent to the principal's office before he started attending Blue Valley schools. Similarly, A.U. did not even receive detention before he started attending Blue Valley schools.
146. Emily Sonsthagen, LVE's speech language therapist, Heather Fredericksen, LVE's special education teacher, and Maury Hernandez together rated D.U.'s social communication. In an email she sent to the two others on January 30, 2024, Heather Fredericksen said that they had better do the rating together because she felt like she did not know D.U. well enough.
147. Given that and the fact that she was D.U.'s homeroom teacher, Maury Hernandez

could easily sway other teachers' opinion of D.U. and determine D.U.'s social communication ratings.

148. Similarly, Mark Schmidt, via Suzanne Martin, could easily sway other teachers' opinion of D.U. and determine D.U.'s psychoeducational evaluation ratings. Suzanne Martin's and Maury Hernandez's emails to D.U.'s other teachers had already predisposed them to see and treat D.U. as a student with serious conduct issues.

149. Similarly, Lisa Sonsthagen, who communicated extensively with Mark Schmidt and Suzanne Martin about D.U.'s evaluation, could easily interpret, "process", and present the raw data that underlay D.U.'s evaluations in a way that would make D.U.'s minor or non-existing shortcomings much worse.

150. In that regard, Emily Sonsthagen, Lisa Sonsthagen, Christie Weldon, Heather Fredericksen, and Suzanne Martin met to discuss D.U.' individualized education plan (IEP) goals prior to November 29, 2023. Yet, his parents were not informed of this meeting, had never been proposed even the idea of an IEP before, as they were only aiming to have a Section 504 plan at that point to ensure that teachers would accommodate D.U.'s anxiety symptoms, such as his apparent lack of motivation and his slowness in following instructions.

151. D.U.'s parents had not even met at that time the attendees of this meeting, except for Suzanne Martin, who was the only person in the meeting who knew D.U. to some extent. To this day, the parents had not met Christie Weldon in person, and are not sure who she is, and whether she knows D.U. at all.

152. Overall, the parents were actually presented with a fait accompli when the IEP idea was first introduced to them in a meeting at LVE on November 29, 2023. This is just one example of how D.U.'s psychoeducational evaluation at LVE was engineered top-down and had foregone conclusions.

153. On January 4, 2024, on the first day of the Spring semester, Maury Hernandez sent an email to D.U.'s LVE teachers Stephanie Ray, Erin Lorton, Sandra Powell, Lydia Richardson, and Angela Thomas, with the subject line including the phrase "safety plan". The email singles out D.U. as a problematic kid that causes intra-peer conflicts and creates stressful and difficult situations for teachers, thereby prejudicing all of D.U.'s teachers against him.
154. On January 24, 2024, Suzanne Martin sent an email to D.U.'s LVE teachers Angela Tomas, Lydia Richardson, Maury Hernandez, and Elizabeth Newell, with the subject line "needing space from DU", singling out D.U. The email suggests that the teachers should closely scrutinize D.U. and report everything about D.U. to Suzanne Martin, who also mentions in the same email chain about preparing space plans for the subs that would prejudice them against D.U. and that isolate D.U. from his classmates.
155. On January 27, 2024, Suzanne Martin sent an email to Lisa Sonsthagen, Maury Hernandez, and Elizabeth Newell, saying that she could not gather enough evidence to give D.U. a suspension, in reminiscent of what Meaghan Graber told Xiaolei Xu on February 10, 2023: D.U.'s guilt is predetermined but they just need to dig up more dirt on him to be able to justify a harsher disciplinary action.
156. In March 2024, Plaintiff had a consultation with an educational lawyer, who knew Melissa Hillman. Plaintiff signed and returned the client engagement letter and shared several documents with the lawyer by using his law firm's portal. After that, the lawyer disengaged and has never communicated with Plaintiff since then.
157. In early May 2024, Plaintiff filed a due process complaint with KSDE, which initially did not go through. As a result, Plaintiff had to use an alternate email account to file his complaint.
158. In June 2024, Plaintiff filed a notice of claim with KSDE, accusing the latter of

whitewashing Blue Valley's wrongdoings, including, but not limited to the murder list hoax at WSE. KSDE responded in early July 2024, stating that the murder list incident is outside KSDE's jurisdiction.

159. On July 15, 2024, Plaintiff and his wife attended a status conference held by the due process Hearing Officer, who stated that the murder list incident was outside her jurisdiction, and who overruled Plaintiff's related discovery requests.
160. As part of the due process hearing, Plaintiff served a subpoena to Tish Taylor to produce the data collection sheets that she used in her psychoeducational evaluations of A.U. and D.U. Tish Taylor's attorney objected to this subpoena on August 22, 2024.
161. On August 30, 2024, Tish Taylor's attorney filed a motion to quash Plaintiff's aforementioned subpoena. Her motion unequivocally manifested input from Melissa Hillman.
162. On September 4, 2024, the due process Hearing Officer held another status conference, in which she severely restricted the parents' discovery request regarding BVSD's internal emails about their children. Specifically, the Hearing Officer ordered the parents to provide fewer and fewer and more specific search terms, shorten the timeframe, and further narrow down the BVSD employees whose emails would be subject to search.
163. On the same status conference, BVSD's legal team presented Plaintiff with a fait accompli, stating that they would outsource the already severely restricted email search to a vendor and file a motion to shift the search cost to the parents. The proposal shocked the Plaintiff, but the Hearing Officer seemed to have been pre-informed about it.
164. Plaintiff objected to the proposal, stating that the parents were entitled to all the internal emails if they were going to pay for the search. Plaintiff also expressed his willingness to be involved in the vendor selection process, but the Hearing Officer

dismissed Plaintiff by virtually vouching in advance for the vendor that BVSD would potentially choose.

165. On September 20, 2024, the due process Hearing Officer ruled in favor of Tish Taylor's motion to quash. Thus, the parents were barred from accessing the data that formed the basis of the evaluation reports the parents paid Tish Taylor to write about their children.

166. Another irregularity about Tish Taylor's evaluations included her consulting with Melissa Hillman to write her report on D.U. Blue Valley did not allow Tish Taylor to talk to D.U.'s teachers at WSE, and instead directed her to Melissa Hillman, who is a board attorney, and who does not know D.U. one bit. However, Tish Taylor incorporated the information she received from Melissa Hillman into D.U.'s evaluation.

167. On September 1, 2024, the parents filed another due process complaint after Mark Schmidt unequivocally declined their requests to hold an IEP meeting. Blue Valley requested Crista Grimwood, KSDE's Grievance Coordinator, to consolidate parent's new complaint with the ongoing due process hearing. Crista Grimwood asked Blue Valley to direct the request to the Hearing Officer.

168. On September 5, 2024, Blue Valley filed a motion to consolidate the complaints. The parents stated that pursuant to K.S.A. § 72-3415(f), they are entitled to file separate due process complaints for separate issues, and that the Hearing Officer presiding in the initial hearing has the authority to bifurcate and streamline the complaints, but not to consolidate them.

169. On September 10, 2024, the Hearing Officer ruled in favor of the consolidation.

170. In short, the parents filed a due process complaint with the assumption that they had the right to a fair hearing. Yet, it turned out that: they are barred from filing separate due process complaints; they are barred from bringing up the murder list hoax at WSE,

which turned the entire family's life upside down; they are barred from accessing the data that formed the basis of their children's private evaluations, which they paid for; they are barred from finding out how their children's teachers portrayed their children in their emails to each other.

171. Instead of helping D.U. to overcome the trauma and to settle in his new school after his abrupt and publicly humiliating transfer, Blue Valley reported him as truant multiple times. On October 30, 2024, Blue Valley reported D.U. as truant for the third time, even though he was no longer enrolled in Blue Valley and the parents had informed various Blue Valley officials and representatives that their son was receiving education elsewhere (see "Third Truancy Report" attached).

**COUNT I: 42 U.S.C. § 1983-FIRST AMENDMENT RETALIATION**

172. Plaintiffs reallege Paragraphs 1 through 171 as if fully set forth herein.
173. First Amended-protected activities include petitioning the government, filing grievances and complaints, communicating with public officials to criticize them and to advocate for change (*McDonald v. Smith*, 472 U.S. 479 (1985)). A non-public employee citizen's communication with a public official is not protected by the First Amendment only under the following situations, many of which are actually grounds for criminal prosecution: true threats (*Virginia v. Black*, 538 US 343 (2003)); incitement (*Brandenburg v. Ohio*, 395 US 444 (1969)); defamation (*McDonald v. Smith*, 472 US 479 (1985)); harassment; disruption (*Tinker v. Des Moines Independent Community School District*, 393 US 503 (1969)).
174. In the context of public school-parent relationship, First-Amendment-protected activities include parents expressing opinions and concerns about the school and its staff, criticizing a teacher in relation to the treatment of their children, as well as filing grievances and complaints with the school, with the department of education, and with

the courts (Jenkins v. Rock School District, 513 F.3d 580 (6th Cir. 2008); Wenk v. O'Reilly, No. 14-3334 (6th Cir. 2015); McElhaney v. Williams et al., 81 F.4th 550 (6th Cir. 2023)).

175. Stephanie Cleland and Kristin Kellerman began to subject D.U., A.U., and his parents to harassment in retaliation for the concerns Plaintiffs voiced during the parent-teacher conference on September 28, 2022, in relation to D.U.'s negative school experience.
176. This harassment and retaliation escalated as Plaintiffs' advocacy for their children's well-being and safety at school increased over time.
177. Stephanie Cleland and Kristin Kellerman were subsequently able to recruit more staff members to their harassment and retaliation campaign, including Polly Blair, Benjamin Wang, Kelly Northup, Peggy Salts, Meaghan Graber, and Lily Bordoni.
178. All these staff members formed a clique, whose adverse actions against Plaintiffs were taken under color of law, and were maliciously intended to punish Plaintiffs for their advocacy for their children.
179. As a direct and proximate result of these staff members' continuous harassment, Plaintiffs suffered loss of reputation, loss of self-esteem, humiliation, extreme emotional distress, incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such losses and injuries in the future.
180. Plaintiffs desperately tried convince the members of the clique to help their children to restore their reputation and well-being at school in January and February, 2023.
181. However, the clique maliciously retaliated under color of law by starting to frame threat cases against both A.U. and D.U., starting from January, 2023. The aim of the clique had become ejection of the family from school at this point.



182. The clique's efforts to frame cases against Plaintiffs' children culminated in the murder list hoax and the bomb hoax. Specifically, the clique gave staff members, parents, and other people in the community the impression that A.U. was going to blow up the school and D.U. was going to shoot up the school.
183. At least by February 17, 2023, Blue Valley had approved clique's malicious retaliatory actions and had decided to eliminate at least D.U. from WSE, in line with the clique's agenda.
184. At least after Plaintiff T.U. made his infamous social media posts on February 17, 2023, where he exposed Blue Valley's unscrupulous conduct, Blue Valley officials Tonya Merrigan, Melissa Hillman, Mark Schmidt, Dan Carney, and Amy Farthing, acting under the color of law, maliciously aimed at silencing, isolating, discrediting, harassing, and eliminating Plaintiff and his family from the district. From that point on, Blue Valley officials regarded Plaintiff as a threat that could potentially expose their wrongdoings by speaking the truth.
185. The harassment D.U. and A.U. were subject to in Blue Valley schools were also a part of Blue Valley's efforts to prevent Plaintiff and his children from having the opportunity to tell the truth about the murder list and bomb hoaxes to Blue Valley staff, parents, and students.
186. As a direct and proximate result of the harassment, mind games, threats, and false accusations, Plaintiffs suffered loss of reputation, loss of self-esteem, humiliation, extreme emotional distress, legal and medical expenses, as well as private tuition fees, and will continue to experience them in the future.
187. Melissa Hillman, acting under the color of law, blocked Plaintiffs' access to the courts by making false statements about them and their children to their existing and prospective lawyers, thereby deterring lawyers from taking and pursuing Plaintiffs' cases.

188. Dan Carney, Melissa Hillman, Suzanne Martin, and Tonya Merrigan, acting under the color of law, imposed and/or threatened to impose restrictions on Plaintiffs access to Blue Valley property and personnel. By doing so, they made Plaintiffs persona non-grata with Blue Valley staff, who consequently did not want to listen to or to deal with neither Plaintiffs nor their children.
189. Suzanne Martin, acting under the color of law, made Plaintiffs and D.U. subject to harassment, and tormented them with her daily write-ups and false accusations against D.U. All this harassment by Suzanne Martin was maliciously intended, at least in part, to punish Plaintiffs for their advocacy for D.U.
190. Diana Durkin, Crista Grimwood, and Angela Gupta, acting under the color of law, interfered with Plaintiffs' right to petition, by preventing Plaintiffs from redressing their grievances against Blue Valley and by rigging KSDE's grievance procedures to prejudice Plaintiffs' case and to cover up Blue Valley's wrongdoings. That way, Diana Durkin and Angela Gupta also effectively blocked Plaintiffs' access to the federal court, whose review of the case cannot be entirely de novo (*Forest Grove School District v. T.A.*, 557 US (2009)).
191. Michelle Dombrosky, acting under the color of law, blocked Plaintiff T.U.'s emails to KSDE to silence him, so that he could never have the chance to redress his grievances against Blue Valley, and to reveal the truth about the murder list and bomb hoaxes.
192. Blue Valley similarly blocked Plaintiff T.U.'s emails for the same purpose, preventing him from communicating with any Blue Valley staff, faculty, official, or the Board of Education.
193. Overall, all the Defendants named in paragraph 173-191 acted under the color of law, with malice against Plaintiffs, and with the knowledge that they violated the law as well as Plaintiffs' First Amendment rights.

194. As a direct and proximate result of these Defendants continuous harassment and oppression, Plaintiffs suffered loss of reputation, loss of self-esteem, humiliation, extreme emotional distress, incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such losses and injuries in the future.

**COUNT II: CIVIL CONSPIRACY FOR INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

195. Plaintiff realleges Paragraphs 1 through 194 as if fully set forth herein.

196. Defendants Kristin Kellerman, Lily Bordoni, Meaghan Graber, Kelly Northup, Peggy Salts, Polly Blair, and Kelly Beck all framed threat cases against D.U. and A.U. with the aim of getting him and his family dismissed from WSE. These Defendants had a meeting of the minds in that regard, and their actions were directed at the entire family.

197. Plaintiff Xu was personally present: when D.U. was improperly and unfairly treated as a criminal threat on January 12, 2023; when D.U. was improperly and unfairly secluded, interrogated, and then banned from the educational setting on February 10, 2023 due to the false allegations; when A.U. was interrogated on January 19, 2023, due to the false allegations.

198. On February 10, 2023, Plaintiff Xu was told that a school resource officer was waiting outside to question D.U. The fact that her innocent and naïve eight-year-old-son was being treated like a criminal suspect inflicted severe emotional distress on Plaintiff Xu.

199. Plaintiff T.U. and Plaintiff Xu were both personally present when Meaghan Graber called them to investigate the hoax bomb threat on February 9, 2023.

200. Both Plaintiff T.U. and Plaintiff Xu were personally present in the re-entry meeting on February 17, 2023, where D.U. was falsely accused of posing a safety threat and where he was interrogated by Meaghan Graber over his artwork.

201. The aforementioned WSE staffs' actions aimed at eliminating the family from WSE by framing their innocent eight-year-old and ten-year old children were outrageous, and not to be tolerated as behavior of school officials in a civilized society.

202. As a result of these aforementioned actions, Plaintiffs have suffered severe emotional and mental anguish, as well as humiliation, and have incurred legal and medical expenses as well as private school tuition fees, and they will continue to suffer such injuries and losses in the future.

**COUNT III: 42 U.S.C. § 1983-SUBSTANTIVE DUE PROCESS VIOLATION**

203. Plaintiffs reallege Paragraphs 1 through 202 as if fully set forth herein.

204. Under the Fourteenth Amendment, Plaintiffs have a right to direct their children's education.

205. Defendants Mary Brown, Maury Hernandez, Elizabeth Newell, Suzanne Martin, made D.U. subject to harassment to coerce Plaintiffs into unenrolling their children from Blue Valley schools.

206. Defendants Cade Chace, and Amy Farthing used truancy threats and procedures to coerce Plaintiffs into unenrolling their children from Blue Valley schools.

207. Defendant Mark Schmidt manipulated Blue Valley's special education procedures to ensure Plaintiff's children cannot obtain the treatment and accommodations they need at school. His aims in doing so were to cover up the murder list and bomb hoaxes at WSE and to nudge Plaintiffs and their children out of Blue Valley.

208. Defendants Dan Carney and Melissa Hillman portrayed Plaintiff T.U. as a threat and treated him as such to nudge him and his family out of Blue Valley.

209. These Defendants knew that their actions would make public school an extremely hostile environment for Plaintiffs and their children, and hence deprive Plaintiffs' rights to enroll their children in public schools, and would cause severe emotional, mental, and

economic injuries to Plaintiffs.

210. Defendants' conduct was malicious, outrageous, and shocking to the conscience.

211. Defendants' initiation of the imposition of the power of the state on the Plaintiffs private lives violated their Fourteenth Amendment guarantees to due process.

212. As a direct and proximate result of Defendants' unlawful actions, Plaintiffs have suffered extreme emotional distress, have incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such injuries and losses in the future.

**COUNT IV: 42 U.S.C. § 1985(3)-CONSPIRACY TO DEPRIVE PLAINTIFFS OF  
THEIR FIRST AMENDMENT RIGHTS**

213. Pursuant to 42 U.S.C. §1985(3), Clifford Cohen conspired with Melissa Hillman acting under the color of law to block Plaintiffs' access to the courts and media. Clifford Cohen gave misleading legal advice, deterring Plaintiffs from sharing their story with others, from taking legal action, and even from looking for a lawyer, and instead recommended him to accept the outcome, i.e., requesting a transfer to another school.

214. Clifford Cohen never made any attempt to clear D.U.'s and his father's name from the false accusations Blue Valley made against them. He never challenged or questioned the false accusations. However, he could have proven D.U.'s innocence by talking to the School Resource Officer and his father's innocence by asking Melissa Hillman or the father for the allegedly threatening social media posts.

215. Instead, Clifford Cohen, took advantage of a position of trust to manipulate the Plaintiffs into switching schools as if the entire family was guilty, where in fact none of them had done anything wrong, which he said was the best avenue to pursue. This was the outcome Melissa Hillman and Blue Valley wanted to cover up the murder list and bomb hoaxes.

216. As a direct and proximate result of Clifford Cohen's unlawful actions, Plaintiffs have suffered humiliation, extreme emotional distress, and have incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such injuries and losses in the future.

217. Also as a direct and proximate result of Clifford Cohen's unlawful actions, Plaintiffs stopped pursuing their case against Blue Valley and sharing the truth about the murder list hoax with others, which deprived them of their First Amendment rights.

**COUNT V: 42 U.S.C. § 1985(3)-CONSPIRACY TO DEPRIVE PLAINTIFFS OF  
THEIR SUBSTANTIVE DUE PROCESS RIGHTS**

218. Plaintiffs enjoy a right to privacy in the affairs of the family and the rearing and education of their children guaranteed them under the First, Fifth and Fourteenth Amendments to the Constitution of the United States.

219. Joann Woltman conspired with Blue Valley officials, at least with Tonya Merrigan and Melissa Hillman, to falsely criminalize and publicly humiliate D.U., as well as to improperly eliminate him from WSE.

220. Joann Woltman knew her actions would result in a violation of Plaintiffs' constitutional rights and would cause severe emotional distress to them.

221. Joann Woltman's conduct was malicious, outrageous, and shocking to the conscience.

222. Joann Woltman's initiation of the imposition of the power of the state on Plaintiffs violated their First and Fourteenth Amendment guarantees to due process.

223. As a direct and proximate result of Joann Woltman's unlawful actions, Plaintiffs have suffered humiliation, extreme emotional distress, and have incurred legal and medical expenses as well as private school tuition fees, and will continue to suffer such injuries and losses in the future.

- **Exhibit List**

- Exhibit A: Parent-Teacher conference notes
- Exhibit B: Confiscated evidence
- Exhibit C: Student rights lawyer
- Exhibit D: Artwork compilation
- Exhibit E: Kids are happiest at home
- Exhibit F: Durkin's report
- Exhibit G: Superintendent's empty threats
- Exhibit H: Third Truancy Report
- Exhibit I: Emotional abuse email chain
- Exhibit J: AU search history
- Exhibit K: Melissa Hillman's first threat
- Exhibit L: Plaintiff Xu's request that elicited a threat from Melissa Hillman
- Exhibit M: Melissa Hillman's second threat



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Name: Tolga Ulusemre

Address: 13982 W 147<sup>th</sup> St

City, State Zip: Olathe, KS 66062

Telephone: 912-481-8074

Email: [tulusemre@gmail.com](mailto:tulusemre@gmail.com)

*Xiaolei Xu*

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Name: Xiaolei Xu

Address: 13982 W 147<sup>th</sup> St

City, State Zip: Olathe, KS 66062

Telephone: 912-481-8011

Email: [xiaolei.xu2017@outlook.com](mailto:xiaolei.xu2017@outlook.com)



## 2022-2023 Parent/Teacher Conferences

Student: D [REDACTED]

Glow	Grow
<input type="checkbox"/> quiet & friendly <input type="checkbox"/> beautiful reader	<input type="checkbox"/> working faster <input type="checkbox"/> being a self-starter <input type="checkbox"/> following directions <input type="checkbox"/> being aware of those around him

Reading	<ul style="list-style-type: none"> <li>· characters</li> <li>· text structure</li> </ul>
Math	<ul style="list-style-type: none"> <li>· rounding</li> </ul>
Other	

Name: \_\_\_\_\_ Date: \_\_\_\_\_

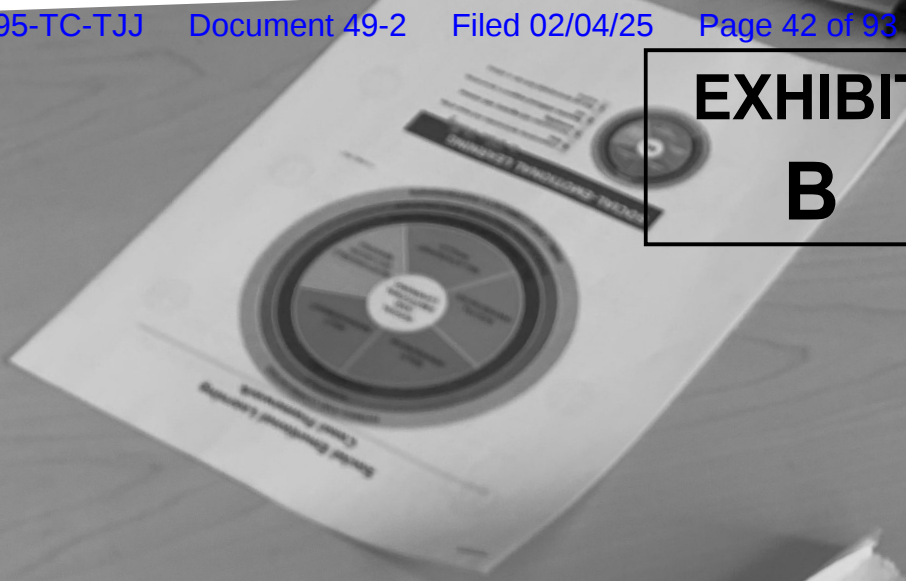
I listen when the teacher (or speaker) is talking.	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
I follow directions the first time they are given.	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
I am polite and respectful to students and adults.	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
I ask for help when I don't understand.	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
I raise my hand to answer questions in class.	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
I take my time and do my best work.	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
My work is always neat and I use my best handwriting.	<input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
I finish my work on time.	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>

A teachable teacher

### Plan of Action

\* lots of bathroom breaks?

**EXHIBIT  
B**



FW: Ulusemre

Clifford Cohen <cac@studentrightslawyers.com>

Mon 02/20/2023 12:46

To: Tolga Ulusemre <tulusemre@msn.com>

Tolga,

Here is the school district's response. I don't think you will know until tomorrow what their actual decision is. Their lawyer called me yesterday to disclose that school officials and faculty feel threatened by the language and tone of your Facebook posts from Friday night. I don't have access to those but she quoted you as posting " I will defend my children and we will all regret it the rest of our lives." It seems they are considering what placement is best for your children and your wife's employment and will not be negotiating with you about their decisions.

I have now spent a little over \$2,000 of time against your deposit of \$1625. I do not litigate in court anymore and so I don't know what additional help I could be in this process but I will be willing to discuss the situation with you tomorrow after you get their decision.

Cliff



Clifford A. Cohen  
Cohen & Duncan Attorneys, LLC  
7015 College Blvd., Ste. 375  
Overland Park, KS 66211  
913.302.0152

---

**From:** Hillman, Melissa D. <MHillman@bluevalleyk12.org>

**Sent:** Monday, February 20, 2023 12:33 PM

**To:** Clifford Cohen <cac@studentrightslawyers.com>

**Subject:** Ulusemre

Cliff,

Thank you for your email. I have discussed the family's proposed conditions with the Blue Valley administrative team, and we cannot accept all of the conditions proposed. Below is an itemized response to each condition:

1. The District will send out the announcement it deems appropriate and transparent with our community.
2. The District does not disclose personally identifiable information of any student in this type of communication.
3. As stated above, the District will send communication that it believes is appropriate.
4. The District is revoking the boys' transfer to Wolf Springs. I will be in touch Tuesday morning with additional information regarding their school assignment.

Human Resources will reach out to Ms. Ulusemre tomorrow to discuss her work assignment.

Thank you for your continued assistance with this matter. The School District is focused on ensuring a safe and nondisruptive school and work environment for everyone in our schools. Our priority is moving forward while focusing on the best interests of these boys, and we appreciate your cooperation to assist with these efforts.

In lieu of the parent-teacher conference scheduled with this family tomorrow evening, Amy Farthing will send the family a summary of performance for each child. Should there be questions about the summary, they may be directed to Ms. Farthing.

Melissa Hillman  
Chief Legal Officer  
Blue Valley School District

---

**From:** Clifford Cohen <cac@studentrightslawyers.com>  
**Sent:** Sunday, February 19, 2023 11:05 PM  
**To:** Hillman, Melissa D. <MHillman@bluevalleyk12.org>  
**Cc:** Tolga Ulusemre <tulusemre@msn.com>  
**Subject:** D [REDACTED] Ulusemre

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Melissa,

I received an email tonight from Tolga Ulusemre. He wishes to accept a school of his choice of the three suggested with certain conditions:

1. An announcement is sent to Wolf Creek parents that “no credible threat was found.”
2. No personally identifiable information regarding D [REDACTED] is issued.
3. Announcement wording to be approved by family in advance.
4. D [REDACTED], his brother and mother will all transfer to new school.

Please let me know preferably by email so I can share the district’s reply with my clients.

Thanks

Cliff



Clifford A. Cohen  
Cohen & Duncan Attorneys, LLC  
7015 College Blvd., Ste. 375  
Overland Park, KS 66211  
913.302.0152

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Blue Valley Schools - Education Beyond Expectations  
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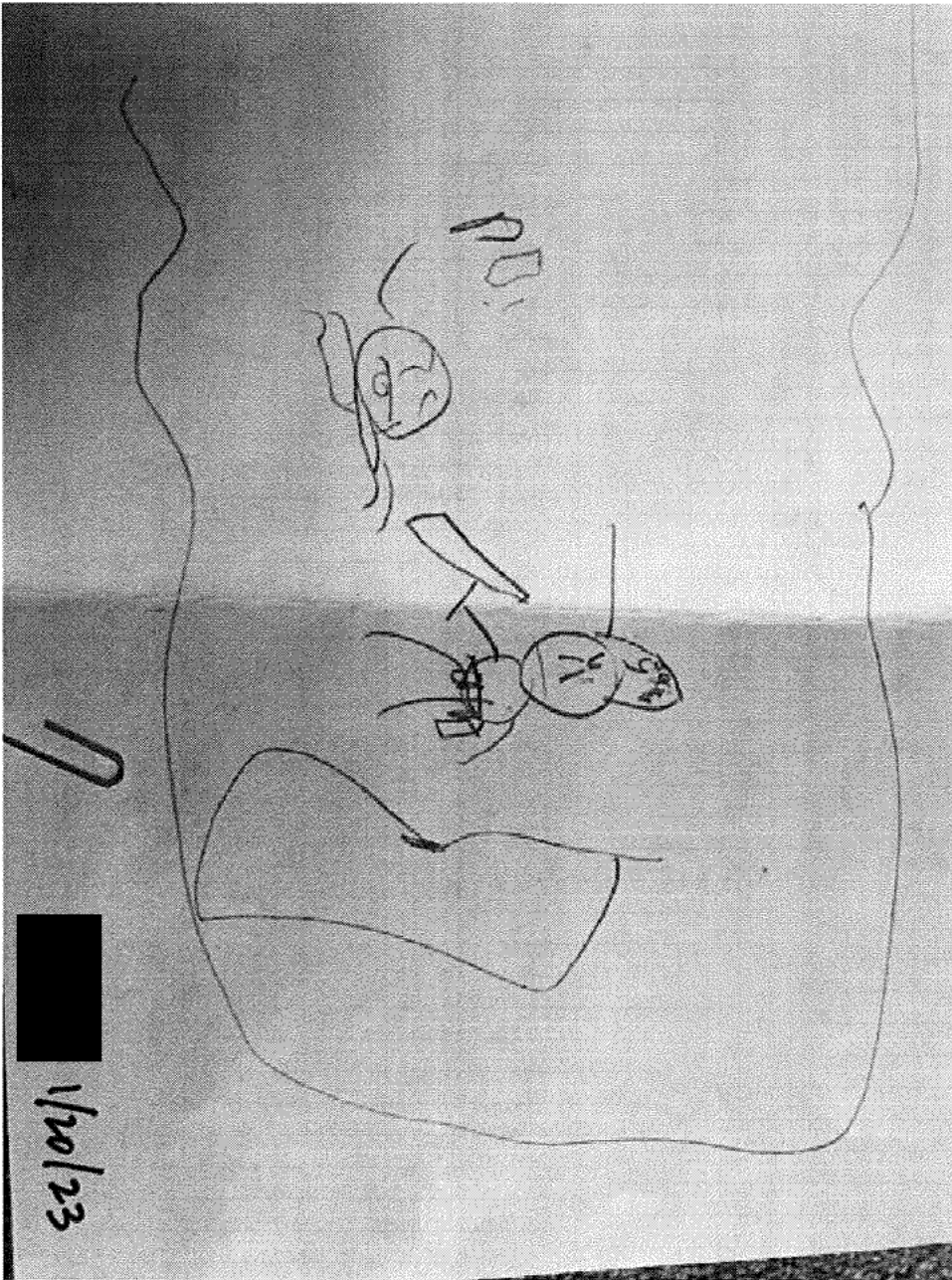
This e-mail (including any attachments) is confidential and intended solely for the use of the intended recipient.

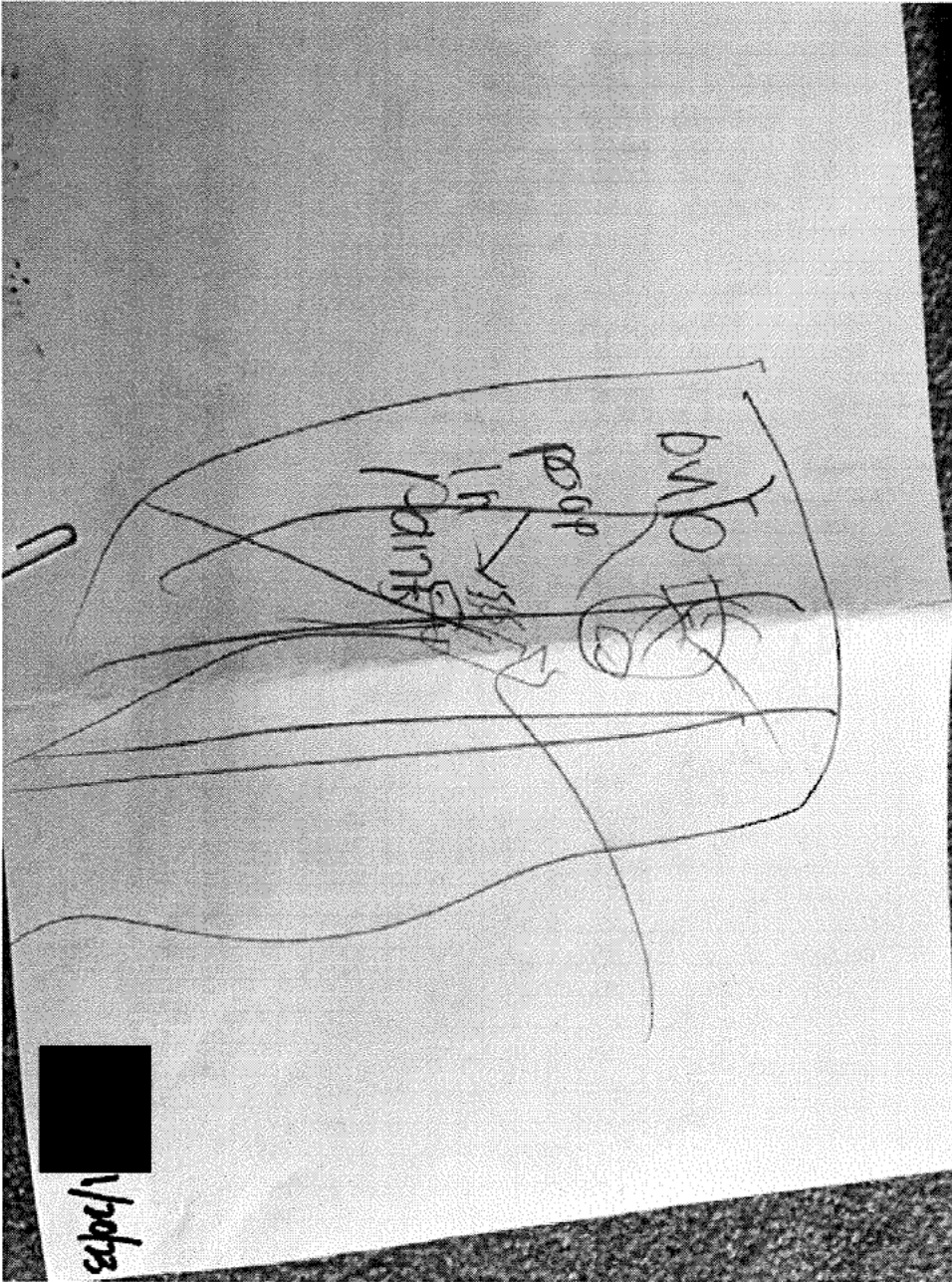
1/2/24, 8 28 PM

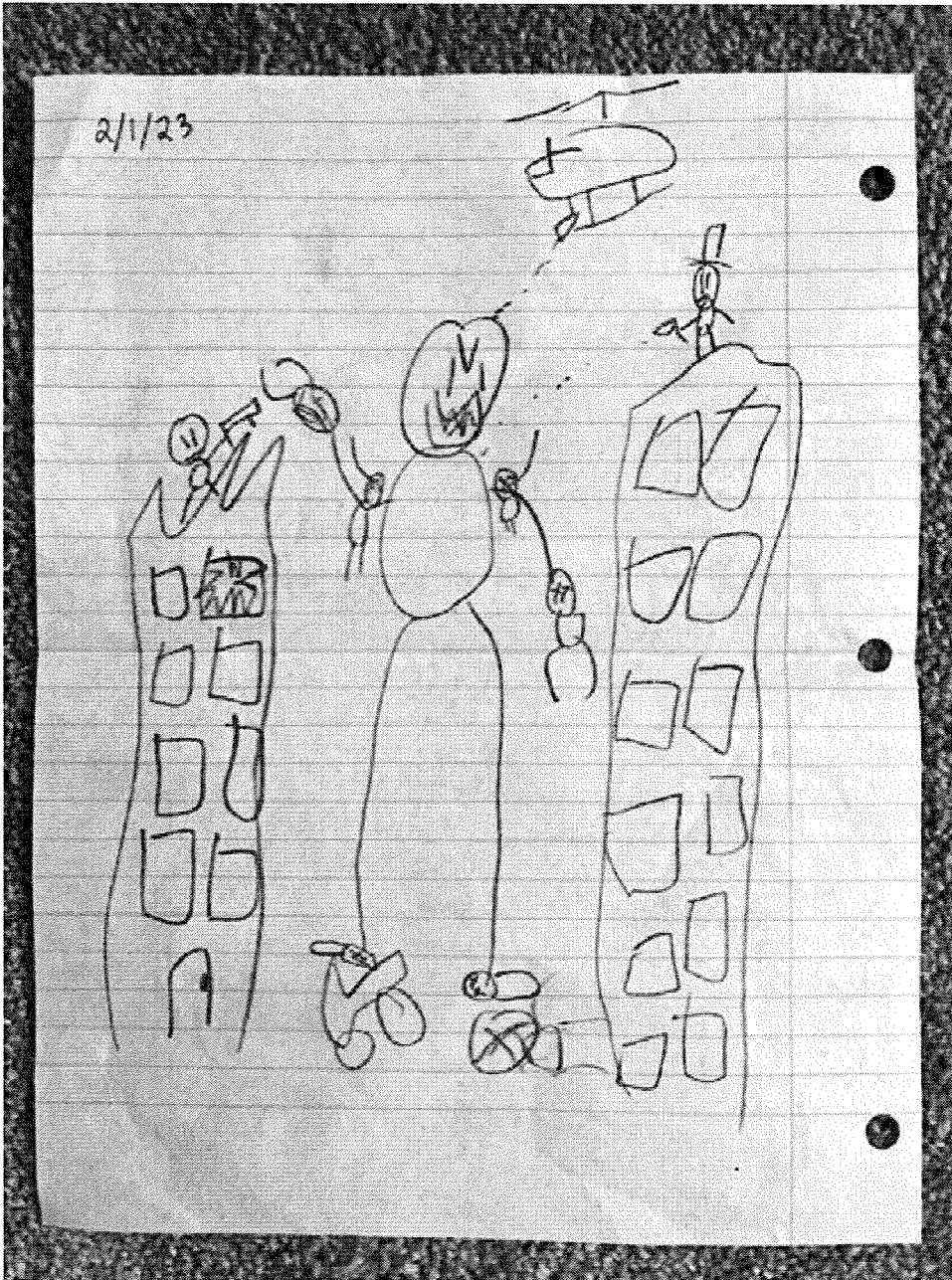
Mail Tolga Ulusemre Outlook

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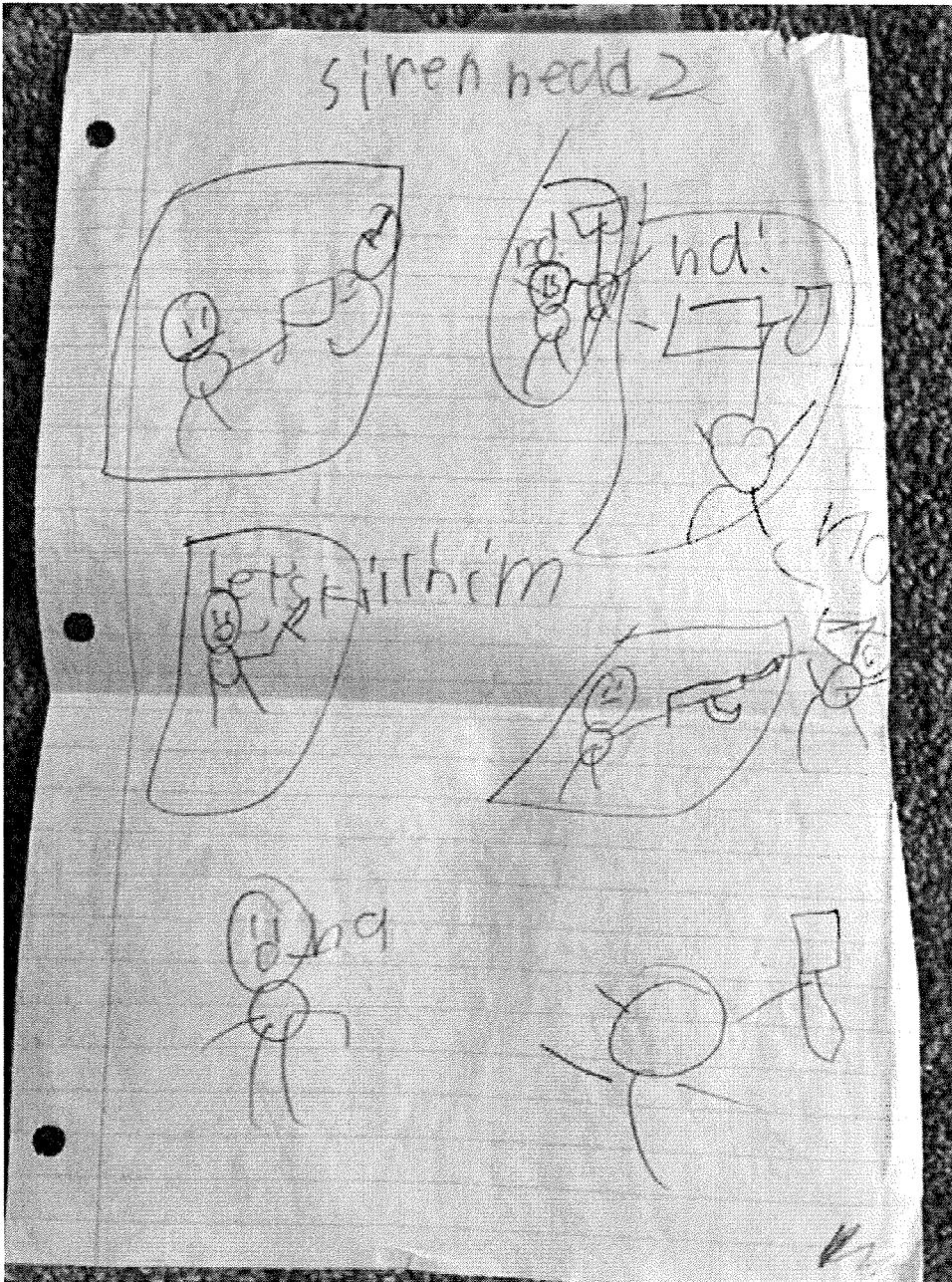
**EXHIBIT  
D**

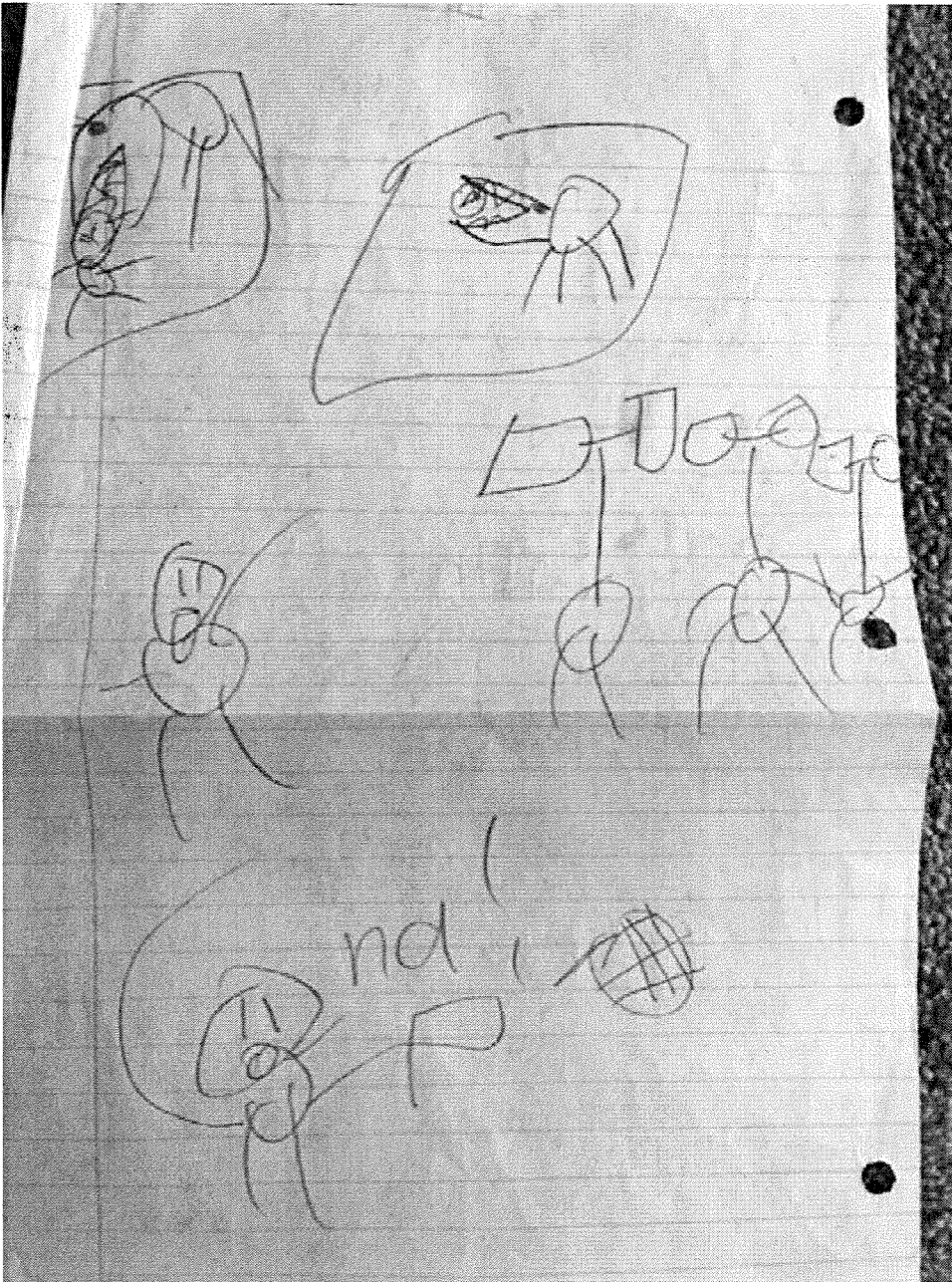


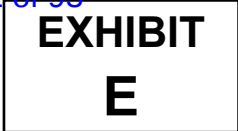












On Feb 22, 2023, at 3:25 PM, Farthing, Amy K. <AFarthing@bluevalleyk12.org> wrote:

To the parents of [REDACTED] and [REDACTED] U [REDACTED]

I understand you received previous communication via your attorney regarding the revocation of school transfer to Wolf Springs Elementary School for your children. The boys have been assigned back to their homeschool, Cedar Hills Elementary School. The staff are prepared to meet you and the children to begin a successful transition. The children can start this week or they can wait to attend school starting this Monday, February 27, 2023. You and the boys are welcome to visit Cedar Hills for a tour of the building and an opportunity to meet their teachers and the building administrators before beginning. Kate Burrow, Assistant Principal, will reach out to schedule the tour if the boys are interested. The boys' school supplies and personal items at Wolf Springs have been gathered and will be provided to them at Cedar Hills.

Dr. Eric Punswick, Chief Human Resource Officer, informed me today that the children are happiest at home. If you choose to have the boys learn from home, the district can assist you in enrollment in the Greenbush Virtual option offered by the district. Mr. Adam Wessel or I can assist you in that process. If you choose to provide homeschooling for your children, please notify us of your intent to do so.

In lieu of the parent teacher conferences their former WSE teachers will be providing a summary of their previous work and performance. I will arrange for those items to be available for you at Cedar Hills for pick up.

We truly hope this gives your family an opportunity to make a fresh start and provides a school environment that is both safe and free of disruption for the boys.

Respectfully,  
Amy



**AMY FARTHING**  
EXECUTIVE DIRECTOR OF SCHOOL ADMINISTRATIVE SERVICES

15020 Metcalf Avenue | Overland Park, KS 66204  
afarthing@bluevalleyk12.org

913.239.4082

www.bluevalleyk12.org @bvschoc

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Blue Valley Schools Education Beyond Expectations

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Blue Valley Schools Education Beyond Expectations

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KANSAS STATE DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION AND TITLE SERVICES

REPORT OF COMPLAINT  
FILED AGAINST  
UNIFIED SCHOOL DISTRICT #229  
ON JANUARY 5, 2024

DATE OF REPORT: FEBRUARY 5, 2024

This report is in response to a complaint filed with our office by Tolga Ulusemre on behalf of his son, D [REDACTED]. For the remainder of this report, D [REDACTED] will be referred to as "the student." Dr. U [REDACTED] will be referred to as "the parent." USD #229 will be referred to as "the district."

Investigation of Complaint

On January 9, 2024, the investigator spoke by telephone with Dr. Mark Schmidt, Assistant Superintendent for Special Education for the district. The investigator spoke by telephone with the parent on January 11, 2024. On January 12, 2024, the investigator participated in a Zoom conference with the Assistant Superintendent and the Chief Legal Officer for the district, Melissa Hillman.

In completing this investigation, the complaint investigator reviewed the following materials:

- Email dated August 14, 2023 from the Chief Legal Officer for the district to the parent
- Notice to Conduct a 504 Evaluation dated September 1, 2023
- Daily Attendance Profile for the student
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated November 30, 2023
- Attachments to the complaint submitted by the parent which included the following:
  - Letter dated January 3, 2024 from the parent to the complaint investigator
  - Letter dated August 8, 2023 from the student's private counselor

- o Email dated February 12, 2023 from the building principal to parents of students at the school
- o Email dated February 13, 2023 from the building principal to parents of students at the school
- o Email dated February 19, 2023 from the attorney for the student's parents to the Chief Legal Officer for the district
- o Email dated February 20, 2023 from the building principal to parents of students at the school
- o Email dated April 21, 2023 from the parent addressing the executive director of school administration for the district
- o Email dated May 6, 2023 from the student's mother to executive director of school administration for the district
- o Undated email from executive director of school administration for the district to the student's parents
- o Email dated May 8, 2023 from the student's mother to executive director of school administration for the district
- o Email dated May 23, 2023 from the parent to the principal of the student's brother's school regarding the student's brother
- o Email dated May 31, 2023 from the parent to the principal of the student's brother's school regarding the student's brother
- o Email dated June 3, 2023 from the parent to the principal of the student's brother's school regarding the student's brother
- o Meeting notes dated November 29, 2023
- o Email dated December 4, 2023 from the school psychologist to the student's parents
- o Email dated December 8, 2023 from the building principal to the student's parents
- o Email dated December 11, 2023 from the building principal to the student's parents
- o Email dated December 12, 2023 from the building principal to the student's parents
- o Email exchange dated December 13 and 14, 2023 between the Chief Legal Officer for the district and the parent

- Email exchange dated December 14, 2023 between the building principal and the student's mother
- Email exchange dated December 14, 2023 between the school psychologist and the student's mother
- Prior Written Notice for Evaluation or Reevaluation and Request for Consent dated December 14, 2023
- Email dated December 15, 2023 from the building principal to the student's mother
- Email exchange dated December 17, 2023 between the building principal and the student's mother
- Email dated December 18, 2023 from the building principal to the student's mother
- Email dated December 20, 2023 from the building principal to the student's parents
- Notice of in-school suspension dated December 20, 2023
- Additional materials provided by the parent to the investigator via email including the following
  - Email dated January 4, 2024 from the building principal to the student's parents
  - Email dated January 5, 2024 from the student's mother to the building principal
  - Email dated January 6, 2024 from the building principal to the student's mother
  - Email dated January 24, 2024 from the building principal to the parents
  - Email exchange dated January 25, 2024 between the student's mother and the building principal
  - Email dated January 28, 2024 from the student's mother to the building principal
  - Email dated January 29, 2024 from the building principal to the student's parents
  - 14 video recordings of the student

#### Background Information

This investigation involves a 9-year old boy who is in the 4th grade in his neighborhood elementary school. The student and his family moved to the district at the beginning of his third grade year having previously attended school in Hawaii. At the time of his enrollment, the student was granted a transfer from his neighborhood elementary school in order to participate in a Chinese Immersion program at another district school.

The parent reports that the student has been diagnosed by a local mental health agency with an "anxiety disorder" and has truancy/school avoidance issues. According to a letter written by the private counselor who treats the student, he has been diagnosed with Social Anxiety Disorder. The therapist stated that the student has difficulty with following directions and staying on task and sometimes displays anxious behaviors. During counseling sessions, the student and his therapist focus on "self-advocating, confidence, and conflict resolution."

During February of the student's third grade year, the student was accused of having a "murder list." While it was subsequently determined that no such list existed, the student's transfer was revoked, and he moved to his neighborhood elementary school. However, according to the parent, the student's anxiety regarding interactions with peers in the new setting escalated. According to the parent, he and the student's mother felt that the environment at the neighborhood school was not safe for the student. The student did not attend school in April and May of the 2022-23 school year.

In an effort to provide their son with a "fresh start," the student's parents purchased a home in another attendance area in the district, and the student started the 2023-24 school year in his current building. The student's parents requested that he be evaluated to determine his eligibility for support under a Section 504 Accommodation Plan and gave written consent for a 504 evaluation on September 3, 2023.

The student was absent for 5 days during August 2023 and 5 more days during September 2023. The parent asserts that the student has been "seen and treated as a disruptive student...from day one. Therefore, he again became truant and missed school during the entire October and November, 2023."

The district reported the student as truant, and a guardian ad litem was appointed by the truancy court. The student returned to school on December

1, 2023. The building principal sent a series of emails to the student's parents regarding a series of incidents between December 8 and 12, 2023.

### Issues

The parent's complaint was received by Special Education and Title Services (SETS) on January 5, 2024. The parent's complaint included a number of attachments in support of his complaint including a letter to the complaint investigator dated January 3, 2024. That letter identified two issues:

1. The student's special education evaluation has been skewed by an incorrect disciplinary record, which prejudices and misguides the IEP team. This is most likely to result in a wrong, inappropriate IEP plan for the student; and
2. The restriction the district has imposed on the parent bar him from meaningfully participating in the student's evaluation process, as well as from receiving some of the notices by email.

In his written complaint, the parent cited violations of three federal regulations. One of these regulations (34 C.F.R. 300.304(c)(1)(iii)) relates to Issue One. The other two citations (34 C.F.R. 300.322(a) and 34 C.F.R. 300.505) are associated with Issue Two.

In his letter to the investigator, the parent also referenced issues related to the referral of the student for a Section 504 evaluation and the implementation of the student's 504 Plan. However, pursuant to federal regulations at 34 C.F.R. 300.153, a state department of education may only investigate allegations of a violation of special education laws and regulations. This investigator does not have the authority to investigate allegations related to Section 504, so only the special education issues contained within this complaint will be addressed in this report.

In his written complaint and attached letter to the investigator, during a subsequent phone call with the investigator, and in additional emails to the investigator dated January 29, 2024, the parent asserted that building staff are biased in their treatment of the student and are unfairly targeting the student for disciplinary consequences because the parent filed this complaint. It is important to note that, at the time this complaint was submitted by the parent,



the student had not been determined through a comprehensive district evaluation to be an exceptional child. While the parent and student are entitled to certain special education protections related to the evaluation process, the investigative actions of the principal and the determination of disciplinary consequences for a general education student are not issues properly addressed through a formal special education complaint.

Issue One: The student's special education evaluation has been skewed by an incorrect disciplinary record, which prejudices and misguides the IEP team. This is most likely to result in a wrong, inappropriate IEP plan for the student.

### Parents' Position

The parent alleges a violation of 34 C.F.R. 300.340(c)(1)(iii), asserting that the evaluation process for the student has been "skewed" by an incorrect disciplinary record, which prejudiced the IEP team members.

The parent objects to the district's proposal to include a Functional Behavior Assessment (FBA) as a part of a comprehensive assessment to determine whether the student is eligible for and in need of special education services. The parent asserts that the proposal to conduct an FBA represents an effort on the part of the district to prove the student is disruptive and that he - not other students - is the source of the conflicts that have resulted in the student's school avoidance. The parent contends that by having a Behavior Analyst complete the FBA, the district is attempting to focus on punishment and consequences for the student rather than looking outside the student for the source of this behavior.

It is the position of the parent that the police report filed against the student and additional video footage from two recent incidents involving the student should be shared with the student's IEP team in order to ensure that the evaluation process is not "misguided by prejudice and rumors."

### Applicable Statutes and Regulations

Special education statutes and regulations state that a formal complaint must allege that a district has - within not more than one year prior to the date the

complaint is received and filed with the commissioner of education - violated a state or federal special education law or regulation. (See K.A.R. 91-40-51(b).) In support of his position on this issue, the parent cites 34 C.F.R. 304(c)(1)(iii) which states that when conducting an evaluation of a student, the assessments and other materials used to assess the child must be

*"...used for the purposes for which the assessments or measures are valid and reliable."*

### Investigative Findings

On September 3, 2023, the parent participated in a meeting held to discuss the referral of the student for a 504 Evaluation. The parent gave his written consent for that evaluation on the date of that meeting. However, the student was not in attendance at any time between September 21 and December 1, 2023 and the district was unable to conduct the evaluation.

In conversations with district staff while the student was absent, the parents reported on newly obtained diagnoses for the student including social anxiety disorder which resulted in negative peer interactions and school avoidance. In light of the information provided by the parents as well as the student's therapist, the district began discussions with the student's parents regarding a special education evaluation.

A meeting was held on November 29, 2023 to plan for the student's return to school. Present were the student's parents and his private therapist, a guardian ad litem appointed due to a truancy report, the assistant superintendent for special education, the building principal, the counselor, the school social worker, and the student's classroom teacher. Among other topics, the group discussed the student's diagnosis of Social Anxiety Disorder and the assessment of the student to determine his eligibility to receive support under Section 504 and /or special education.

Prior written notice of the district's proposal to conduct a special education evaluation was emailed to the parent on November 30, 2023, and the parent provided written consent for the evaluation on that same date.

According to the prior written notice form, the district proposed the evaluation because the student had "been diagnosed with Social Anxiety Disorder and has

concerns with social skills and executive functioning." The district proposed to gather new and existing data with regard to the student's "social/emotional status/behavioral status," his "general intelligence," his "academic performance," and his "communicative status."

With regard to "social/emotional status/behavioral status," the prior written notice form stated that the assessment

*"May include assessment of social/emotional/behavioral development in relation to the child's learning, interpersonal relationships, feelings and/or physical symptoms. May include a functional behavioral assessment or evaluation to determine appropriate positive behavioral support."*

An FBA is a process for gathering information about behaviors of concern, whether the behaviors are academic, social, or emotional. FBAs are rooted in the theory that behavior is functional (that it has a purpose), predictable, and changeable. Understanding the function or purpose underlying a student's behavior can help a school team develop a plan to teach the child more appropriate replacement behaviors or provide support for the development of more desirable behaviors.

On December 4, 2023, the school psychologist sent an email to the student's parents to let them know that their signed consent for evaluation had been received. The school psychologist told the parents which staff members would be conducting the various assessments included in the evaluation:

- The special education teacher would conduct the academic assessment;
- the speech/language therapist would evaluate social language;
- the school psychologist would administer a cognitive assessment, conduct classroom observations and parent/teacher interviews, and would send behavior and social responsiveness rating scales to the parents and staff for completion; and
- the classroom teacher would complete and return teacher interview forms and rating scales.

The school psychologist noted in her email that the building principal and school counselor (who was coordinating the 504 evaluation for the student) would also be members of the team. The student's parents were provided with rating scales and a parent questionnaire for them to complete and return.

The email also included attached notes from the November 29, 2023 meeting and suggested a date (February 13, 2024) for the team to meet at 1:00 PM if that time worked for the parents.

The assistant superintendent for special education subsequently realized that the plan that had been sent to the parents did not include the designation of an individual who would be responsible for the development of the FBA and asked the school psychologist to provide the parents with that information.

On December 14, 2023, the school psychologist sent another email to the student's mother. The school psychologist wrote:

*"In reviewing this evaluation plan, I left out an important part of the evaluation:...[the] Board Certified Behavior Analyst. She will be walking the team through the Functional Behavioral Assessment data collection. We would also like to propose adding the occupational therapist to the evaluation team looking at both his fine motor skills and sensory needs. The consent to add these additional areas will be available in ParentVue shortly for your review. If you have any questions, please let me know."*

The student's mother wrote back to the school psychologist on December 14, 2023, stating:

*"We do not understand the rationale behind these two additions. Could you please enlighten us?..."*

Attached to the school psychologist's email was a prior written notice and request for consent. The document stated that the district was proposing the following:

*"A fine motor and sensory profile evaluation are proposed to be added to the current Special Education evaluation to provide a comprehensive assessment of [the student's] strengths and needs."*

The school psychologist responded on December 15, 2023, writing:

*"The fine motor and sensory profile evaluation are proposed to be added to the current Special Education evaluation as part of a comprehensive evaluation of his strengths and needs, to rule out points of concern. The*

*functional behavioral assessment will assist the team in understanding from [the student's] perspective the function or the why some behavior are occurring.*

*These assessments will guide the team in supporting [the student] with necessary accommodations and/or additional executive functioning tools to manage his reactions to others in a healthy way, communicate with others and how to work through conflicts with peers."*

On December 19, 2023, the assistant superintendent sent an email to the student's parents stating:

*"While [the school psychologist] marked box [sic] for Social/Emotional Status/Behavioral Status that included the functional behavioral assessment (FBA) below [in the included screenshot] she didn't include the information in the [subsequent email] narrative about who would be doing the FBA. This is an important piece of the evaluation as it helps the team develop an effective positive behavioral support plan that will reinforce positive behaviors and replacement behaviors. The Occupational Therapist (OT) was added because we want to investigate whether [the student] has any sensory concerns that are impacting him at school. I ask that you provide consent on the new request to test as they are important pieces and of [sic] the comprehensive evaluation we discussed in our meeting."*

Because the student's parents have not provided written consent for the district to include an OT evaluation in the current comprehensive evaluation, no motor assessment was conducted. Further, because the student's parents objected to the inclusion of an FBA in the comprehensive evaluation after being presented with details of the assessment plan, the district did not conduct an FBA - even though the student's parents had given written consent for an FBA on November 30, 2023.

### Summary and Conclusions

When requesting consent for the comprehensive evaluation of the student on November 30, 2023, the district specified that the evaluation could include an FBA. However, when the school psychologist provided the parents with an assessment plan that included the names of individuals who would be

responsible for various components of the evaluation, the name of the Behavior Analyst who would be leading the development of the FBA was inadvertently omitted. At the direction of the assistant superintendent, the school psychologist sent a follow-up email to the parents calling out that omission and offered an explanation as to why an FBA had been included in the proposed evaluation. In a separate email, the assistant superintendent also provided the parents with an explanation as to why an FBA was included in the district's proposed evaluation.

No evidence was provided by the parent to show that the FBA proposed by the district was to be used for any purpose other than would be considered appropriate. FBAs are designed to assist a team in understanding the function or purpose underlying a student's behavior - such as this student's school avoidance - and can help the team develop a plan that would provide interventions and positive supports for the student in the school setting. FBAs are commonly used by teams to explore the context in which behaviors occur. The parent has asserted that the district included an FBA in their proposed evaluation only because of a biased disciplinary record which unfairly prejudiced the IEP team members. However, FBAs are commonly used to help teams take a closer look at what might be causing a student to exhibit behaviors that hinder his/her success in the school setting.

Because the parent subsequently objected to an FBA being included in the student's evaluation plan, the district opted not to complete an FBA as a part of the comprehensive evaluation - even though the parent had initially provided consent for an evaluation that could include an FBA. Therefore, the issue of the improper use of an FBA is moot. A violation of special education statutes and regulations *is not substantiated* on this issue.

Issue Two: The restrictions the district has imposed on the parent bar him from meaningfully participating in the student's evaluation process, as well as from receiving some of the notices by email.

#### Parent's Position

Citing 34 C.F.R. 300.322(a), the parent contends that the district violated federal special education regulations by failing to take steps to ensure that he has been afforded an opportunity to participate in the evaluation process of the student. The parent further asserts that federal regulations at 34 C.F.R. 300.505 have been violated because the district has restricted his access to school property

and limited his communication with district staff. Specifically, the parent states that the district has blocked his ability to communicate directly with the student's current and former teachers and other non-administrative staff. He further states that he is not allowed to come to the school to observe the student.

### Applicable Statutes and Regulations

To address the requirement to strengthen the role of parents in the special education process, Congress mandated that schools afford parents the opportunity to be members of any decision making team for their child, including eligibility, initial evaluation and reevaluation, and development of an individualized education program (IEP) for the provision of a free appropriate public education (FAPE).

Federal regulations, at 34 C.F.R. 300.322, state

*"Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—*

- o *Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and*
- o *Scheduling the meeting at a mutually agreed on time and place."*

At 34 C.F.R. 300.505, federal regulations state:

*"A parent of a child with a disability may elect to receive notices required by 300.503, 300.504 and 300.508 by an electronic mail communication, if the public agency makes that option available."*

The notices referenced under this regulation include

- Notice of the district's proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- notice of the district's refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

- the provision of procedural safeguards available to the parents of a child with a disability; or
- information regarding the filing of a due process complaint.

Neither federal nor state statutes and/or regulations limit a district's ability to establish policies and practices regarding classroom observations. Districts are also not limited in their ability to establish guidelines regarding communication between parents and staff so long as those guidelines do not keep the parent of a child with a disability from participating in educational decision-making on behalf of the child.

Additional case law has addressed this issue. Recently, for example, in L.F. v. Lake Washington Sch. Dist., 75 IDELR 239 (9th Cir. 2020), the court ruled on a case wherein the school imposed a communication plan prohibiting the parent from any communication in any form with any district employee aside from a bi-weekly meeting with designated administrators. This was later lengthened to monthly meetings because the parent did not abide by this requirement. The court said communication restrictions on a parent were not retaliatory because they were put in place due to a pattern of "sen[ding] incessant emails to staff accusing them of wrongdoing; ma[king] presumptuous demands; level[ing] demeaning insults; ... and in face-to-face interactions, act[ing] in an aggressive, hostile, and intimidating manner." District employees complained that L.F.'s extraordinarily time-consuming communications made District staff feel threatened and intimidated. and was unrelated to any protected activity. The parent also alleged that the communication plan was a violation of his First Amendment right of free speech. The court disagreed, saying "it is not a constitutional violation to require that parents, if they wish to be heard, communicate only with particular staff members or do so only at a specified time and place. Because schools are not a forum for public expression, the district can set reasonable limits of the time, place, and manner of a parent's communications. In addition, the district plan also stated that school employees would no longer respond to the parent's communications. This was, the court said, regulation of the district personnel conduct, not the conduct of the parent. Because the government is under no constitutional obligation to respond to such views, there is no violation where a government entity such as a school district ignores (or threatens to ignore) communications from outside the specified channels.

### Investigative Findings



On August 14, 2023, the Chief Legal Officer for the district sent an email to the parent which stated:

*"We request you cease communication with any staff member at [the student's previous district elementary schools]. In addition, you shall not enter the premises of those schools. As we have already conveyed to you, the events at [the student's school of enrollment when entering the district] were thoroughly investigated and the resulting disciplinary consequences will stand, as well as the grade assigned by [the student's teacher at that school]. All future communication from you should be directed solely to school administrators who are currently serving your children. Your failure to comply with this direction will result in further remedial action, including a complete ban on your access to [district] property and personnel. "*

The parent was emailed prior written notice of the district's proposal to conduct a special education evaluation on November 30, 2023, and the parent provided written consent for the evaluation via email on that same date.

On December 4, 2023, the school psychologist sent an email to the student's parents to let them know that consent for evaluation had been received and providing information regarding who would be responsible for completing various elements of the assessment. In her email, the school psychologist also proposed a possible date (February 13, 2024) for the evaluation team to meet with the parents.

On December 13, 2023, the Chief Legal Officer for the district sent the following email to the parent:

*"It has come to my attention that you have resumed sending harassing emails to [district] staff and Board of Education members. Your emails are perceived as uncivil and threatening. On August 14, 2023, I instructed you to limit your communications to school administrators who are currently serving your children. I cautioned you that your failure to comply with that instruction could result in further remedial action, including a complete ban on your access to [district] property and personnel. Your continued communication to teachers and school staff members is in direct violation of that instruction. Because your conduct has caused substantial distress for [district] staff, you are no longer*

*permitted to be on the premises at [the student's elementary school] for any purpose other than to transport [the student] to and from school. I am again instructing you to cease communication with any [district] staff member except school administrators who currently serve your children. Should you fail again to comply with this instruction, your access to [district] schools and staff will be terminated altogether.*

*I understand you are requesting an observation at [the student's current school]. Based on your threatening behavior, we will not agree for you to conduct an observation at the school. [The student's mother] and [the student's] therapist will be permitted a 30 minute observation opportunity upon [the student's mother's] request to [the building principal]."*

The student's mother and the school psychologist exchanged additional emails about the evaluation process on December 14 and 15, 2023.

On December 14, 2023, the Chief Legal Officer for the district sent an email to the parent writing:

*"Your access to staff has been restricted due to the harassing and intimidating nature of your emails. I have addressed your uncivil conduct with you in the past, and I am again forced to take this issue up at the present. You may only communicate with [the principal of the student's brother's school], [the student's building principal] and the administrators you have engaged with at District Office such as [the assistant superintendent for special education], Amy Farthing, and me."*

In a subsequent email to the parent on December 14, 2023, the Chief Legal Officer for the district wrote:

*"Your communication at [the student's elementary school] is limited to [the building principal]. I do not intend to have continued dialogue on this matter."*

In an email to the student's parents dated December 19, 2023, the assistant superintendent for special education wrote:

*"One final issue. I want you both to be able to ask questions to the appropriate person as we go through the evaluation process. We also need to follow the communication restrictions that are in place from...our [chief legal officer]. I believe that [the parent] is restricted to emailing only [the building principal at the student's neighborhood school], and she will share your questions with the appropriate staff member. You can also email me or anyone else indicated by [the chief legal officer] with any questions or concerns. I don't believe [the student's mother] has any restrictions."*

In his email of December 19, 2023, the assistant superintendent encouraged the parent to provide consent for the district to include an OT evaluation in the student's comprehensive special education evaluation.

On page 9, the Parent/Student Handbook for the student's elementary school contains the following section:

*"Classroom Visits/Observations*

*Providing and ensuring quality, uninterrupted instructional time for students and staff is very important at [the elementary school].*

- 1. Classroom visits by parents/legal guardians are allowed under these circumstances:
  - 1. To attend an event such as a party or a play.*
  - 2. To conference with the teacher in the classroom when other students are not present. Conferences during school day hours must be prearranged.*
  - 3. To be a classroom volunteer. The teacher must prearrange and approve the volunteer's tasks and schedule. Volunteers must follow all guidelines outlined by the principal.**
- 2. To make classroom observations during instructional time, requests and approvals must be processed through the principal in advance. The principal reserves the right to accompany the parent to the classroom and to limit the observation to no more than one hour. Observations will not be scheduled during student assessments."*

In an email exchange over the period of January 5 and 6, 2024, the student's mother and the building principal discussed the scheduling of an observation by

the student's mother and the scheduling of an opportunity for the parent to view video footage of an incident that occurred in the student's PE class in December 2023.

At the time of the writing of this report, the comprehensive evaluation of the student was still in process.

### Summary and Conclusions

The parent gave written consent for the district to conduct an evaluation of the student. As demonstrated through documents provided by the district and the parent, information regarding the evaluation plan was conveyed to one or both of the student's parents by both the school psychologist and the assistant director of special education. The consent of the parent(s) was sought for changes to the initial request for consent for evaluation, and the parent exercised his decision-making power by declining to allow those changes to be made.

While the parent had expressed his interest in observing the student in the school setting during the evaluation, the comprehensive evaluation proposed by the district did not require that the parent complete an observation.

Special education statutes and regulations do not limit a district's ability to establish protocols related to observations by parents in the school setting. The student handbook for the student's elementary school addresses the topic of classroom observations, noting that observations are subject to the approval of the building principal and are limited to one hour. Although the district had restricted the parent's access to the student's building, the student's mother and his therapist have been allowed access.

Documents provided by the district and by the parent show that there has been ongoing email communication between the parties. While the parent's email access to district staff has been limited by the district's actions, there is no evidence that these restrictions have deprived the parent of his right to any special education notice or limited his participation in educational decision-making regarding the comprehensive evaluation. A violation of special education statutes and regulations *is not substantiated* on this issue.

### Corrective Action

Information gathered in the course of this investigation *has not substantiated any violation of special education statutes or regulations*. Therefore, no corrective actions are warranted.

### Right to Appeal

Either party may appeal the findings or conclusions in this report by filing a written notice of appeal in accordance with K.A.R. 91-40-51(f)(1). The written notice of appeal may either be emailed to [formalcomplaints@ksde.org](mailto:formalcomplaints@ksde.org) or mailed to Special Education and Title Services, 900 SW Jackson St, Ste. 602, Topeka, KS, 66612. Such notice of appeal must be delivered within 20 calendar days from the date of this report.

For further description of the appeals process, see Kansas Administrative Regulations 91-40-51(f), which can be found at the end of this report.



Diana Durkin  
Complaint Investigator

K.A.R. 91-40-51(f) Appeals.

(1) Any agency or complainant may appeal any of the findings or conclusions of a compliance report prepared by the special education section of the department by filing a written notice of appeal with the state commissioner of education. Each notice shall be filed within 20 days from the date of the report. Each notice shall provide a detailed statement of the basis for alleging that the report is incorrect.

Upon receiving an appeal, an appeal committee of at least three department of education members shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 15 days from the date of receipt of the notice of appeal, and a decision shall be rendered within five days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In this

event, the decision shall be rendered as soon as possible by the appeal committee.

(2) If an appeal committee affirms a compliance report that requires corrective action by an agency, that agency shall initiate the required corrective action immediately. If, after five days, no required corrective action has been initiated, the agency shall be notified of the action that will be taken to assure compliance as determined by the department. This action may include any of the following:

- (A) The issuance of an accreditation deficiency advisement;
- (B) the withholding of state or federal funds otherwise available to the agency;
- (C) the award of monetary reimbursement to the complainant; or
- (D) any combination of the actions specified in paragraph (f)(2)

EXHIBIT

G

FW: Defamation campaign against D [redacted] and its implications

Merrigan, Tonya M. <TMerrigan@bluevalleyk12.org>

Tue 02/13/2024 19:44

[redacted]e@msn.com>

Cc:Martin, Suzie <SDMartin@bluevalleyk12.org>;Schmidt, Mark R. <MRSchmidt@bluevalleyk12.org>

Dr. U [redacted],

Your message has been forwarded to me for review and I am responding on behalf of the Blue Valley School District. It is clear you believe there has been some plot to conspire against D [redacted] and your family throughout three different Blue Valley school buildings over the duration of an entire year. However, that simply is not the case. Blue Valley educators are doing their absolute best to serve your child, but you are making that impossible for them to do with your tormenting emails and false allegations about conspiracy theories and a "murder list hoax." No one has defamed D [redacted]. Instead, you have repeatedly engaged in slanderous communications to personnel at Cedar Hills Elementary and Liberty View Elementary regarding Wolf Springs staff members. You are now asserting false accusations against Liberty View staff members. If this does not stop immediately, Blue Valley will be forced to seek any legal action available to the school district. You are, for a third time, directed to discontinue communications to all Liberty View personnel other than Ms. Martin. If you continue to torment the staff at Liberty View, your communications will be further restricted while we consider possible legal remedies.

Ms. Martin will not adhere to your unreasonable instructions about student discipline. D [redacted] will be treated the same as all Blue Valley students, and Ms. Martin will continue to investigate matters at Liberty View as she determines appropriate and necessary. She is not going to call you each time she or another staff member address a matter with D [redacted]. We also will not unnecessarily consume the very valuable and limited resources available at DCF or the police department.

I will allow Dr. Schmidt to address your concerns about the special education evaluation, which again revolve around a fictional conspiracy campaign. He has already asked you to identify the private placement you seek, and you have not done so. If you have a specific private placement, you suggest we consider, please state what it is.

Blue Valley has over 21,000 students and families. You have consumed more time and internal resources than any other parent in this district. Your harassing emails must come to an end, and your child needs to be allowed the opportunity to participate in school like any typical fourth grader.

Dr. Tonya Merrigan  
Superintendent  
Blue Valley School District



**R. TONYA MERRIGAN**

SUPERINTENDENT  
BLUE VALLEY SCHOOLS

15020 Metcalf Avenue | Overland Park, KS 66223

tmerrigan@bluevalleyk12.org

913.239.4000

www.bluevalleyk12.org @bvschools

**From:** Tolga Ulusemre <tulusemre@msn.com>

**Sent:** Tuesday, February 13, 2024 8:32 AM

**To:** Newell, Elizabeth L. <ENewell@bluevalleyk12.org>; Martin, Suzie <SDMartin@bluevalleyk12.org>; Hernandez, Maury E. <MEHernandez@bluevalleyk12.org>; Fredericksen, Heather J. <HFredericksen@bluevalleyk12.org>; Sonsthagen, Lisa L. <LSonsthagen@bluevalleyk12.org>; Sonsthagen, Emily M.

4/17/24, 7 19 PM

Mail Tolga Ulusemre Outlook

<EMSonsthagen@bluevalleyk12.org>; Schmidt, Mark R. <MRSchmidt@bluevalleyk12.org>

**Subject:** Defamation campaign against D [REDACTED] and its implications

Hi,

According to our findings, there has been a defamation campaign waged against D [REDACTED] and his entire family in all the three Blue Valley schools he has attended, i.e., Wolf Springs, Cedar Hills, and LVE. In that regard, several Blue Valley staff have made defamatory remarks about D [REDACTED] to other Blue Valley staff members, students, and parents. As a result, D [REDACTED] has been subject to bullying, ostracization, false accusations, and unfair disciplinary actions. Therefore, we hereby request all the investigations involving D [REDACTED] to be suspended until the defamation campaign is stopped and his name is cleared. If a situation arises where he needs to be questioned or removed from the educational setting, please call his mother at 912-481-8011 today. She will come and pick him up in that case. Alternatively, you can call DCF or the law enforcement so that they can investigate the matter.

Note that we will challenge and accuse any Blue Valley personnel who conducts an investigation into an issue involving D [REDACTED] until the defamation campaign against him is stopped and his name is cleared.

Due to the defamation campaign and the consequent prejudice of the Blue Valley personnel against D [REDACTED], his IEP evaluation is not valid. He needs to be reevaluated by unbiased/impartial non-Blue Valley personnel or in another educational setting.

D [REDACTED]'s IEP must dispel the impact of this defamation campaign on him. We will request private placement if his name cannot be cleared and he was not given an opportunity to have a fresh start and grow in Blue Valley schools.

Blue Valley Schools Education Beyond Expectations

This e mail (including any attachments) is confidential and intended solely for the use of the intended recipient. Any review, reliance, disclosure, copying, dissemination or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Further, the sender accepts no responsibility for any damage caused by any virus, spyware, malware, or other malicious code transmitted by this e mail.



**EXHIBIT  
H**



Dear Parents of D [REDACTED] U [REDACTED],

October 30, 2024

Please be advised that the official attendance records at Liberty View Elementary School indicate that D [REDACTED] U [REDACTED], former student at this school, has not been enrolled or in attendance during the 2024-25 school year. During a September meeting with school staff, you shared that D [REDACTED] is not receiving any academic services. Additionally, the school has not received a request for his records to attend another school. Based on this information, we are now compelled to submit a truancy report to the District Attorney's Office as required by Kansas law.

Under the laws of the State of Kansas, all students between the ages of seven and eighteen years (21 for special education students) must be in regular and continuous attendance at school unless lawfully excused. The law in Kansas (K.S.A. 72-3121) states that students are truant when they are inexcusably absent for three (3) consecutive school days, five (5) or more school days in one semester, or seven (7) days in a school year.

Studies have shown a direct correlation between a student's attendance and success in school. We hope that you will be able to make suitable and necessary adjustments in D [REDACTED]'s school attendance so that he may obtain the maximum benefits of the learning opportunities provided by the Blue Valley School District or another academic institution. Because we have been unable to confirm that D [REDACTED] is receiving consistent academic services, we are proceeding with a truancy report to the Johnson County District Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Farthing", with a large, sweeping flourish at the end.

Amy Farthing  
Executive Director of School Administration  
[afarthing@bluevalleyk12.org](mailto:afarthing@bluevalleyk12.org)  
913-239-4000

Academic Services

15020 Metcalf Ave., P.O. Box 23901  
(913) 239-4000

Overland Park, Kansas  
[www.bluevalleyk12.org](http://www.bluevalleyk12.org)

66283-0901  
Fax: (913) 239-4153

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**From:** Tolga Ulusemre[tulusemre@msn.com]  
**Sent:** Mon 10/10/2022 7:04:11 AM (UTC-05:00)  
**To:** Graber, Meaghan A.[MAGraber@bluevalleyk12.org]  
**Cc:** Kellerman, Kristin A.[KAKellerman@bluevalleyk12.org]  
**Subject:** Re: Emotional abuse of DU

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Thank you very much Ms. Graber. Then I will see you today at 8:45 am.  
Regards,  
Tolga

Sent from my iPhone

On Oct 10, 2022, at 6:59 AM, Graber, Meaghan A.  
<MAGraber@bluevalleyk12.org> wrote:

Hi Mr. Ulusemre,

Thank you for the additional information. I am happy to meet in person. Yes, today at 8:45am will work well. I am also available today at 2:30pm or tomorrow morning at 8:00am.

Please let me know what works best for you.

Thank you,  
Meaghan Graber

---

**From:** Tolga Ulusemre <tulusemre@msn.com>  
**Date:** Sunday, October 9, 2022 at 11:37 AM  
**To:** Graber, Meaghan A. <MAGraber@bluevalleyk12.org>, Kellerman, Kristin A. <KAKellerman@bluevalleyk12.org>  
**Subject:** Re: Emotional abuse of DU

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Ms. Graber,

I would prefer to meet in person. Would Monday 8:45 am still work for you? The phone number you called was my wife's. I thought I provided two phone numbers, mine and hers. Anyways, I would not prefer to talk about these issues over the phone as I do not believe I can convey my points effectively over the

phone.

I can get into details about particular incidents in an in-person meeting. In an email, what I can say is that there have been a lot of scolding, fault finding, and unfair punishment by Ms. Cleveland since the beginning of the semester. She takes something trivial and make it a major issue and makes DU look like a bad, unwanted kid in class. DU's standing in class suffers greatly because of her attitude towards him. E.g., [REDACTED] and his gang started to pick on him only a few weeks ago. It is not something that has been going on since the beginning of the semester. Ms. Cleveland's attitude towards DU makes him a target and gives encouragement to kids like [REDACTED] to bully DU. All these kids are eight-year-olds, but they know what kind of kids are sent to the principal's office for what kind of behavior. DU was never sent to the principal's office in his life before. He also does not remember anyone being sent to the principal's office by Ms. Kellerman prior to Thursday. What happened on Thursday really made him stand out. E.g., he was getting close to [REDACTED] prior to Thursday, but on Friday, [REDACTED] would not play with DU during the recess.

The goals set for DU that Ms. Kellerman shared with us during the parent-teacher conference revolve around trivial issues. The fact that she started the conference with those goals and never made a reference to his adjustment to the new environment and to his sense of security alarmed me, I must say. DU cannot achieve anything academically or socio-emotionally if he does not feel safe and comfortable in his new environment. It became painfully obvious during the parent-teacher conference that this was never a concern of Ms. Kellerman and Ms. Cleveland. Instead, they set goals for DU such as "working faster", "being more aware of those around him", etc. I clearly told her during the conference that he is not aware of his surroundings because he does not feel like he is a part of his surroundings. Those goals also tell me that they are annoyed and frustrated with DU's hesitance, which serves nothing but to increase his sense of insecurity.

As an educator myself, I believe the common goal for us is to enrich students in every aspect, instead of making them feel bad about themselves. There are hundreds of ways to show a student that he/she is cared about and accepted by the teacher. There are also hundreds of ways to justify the punishment a teacher gives to a student. Every small thing can be made an issue, even how a student stands in a line or how many potatoes he gets at lunchtime. What happened this week made it clear to me that DU's situation in his English class is going downhill. I had to take actions to stop and reverse the vicious cycle.

I hope DU's situation in his English class can be acknowledged and rectified, so that we can all work together to make things better for DU. If Ms. Cleveland cannot be fair and professional in the way she deals with DU, then she should be

stopped from dealing with DU in any way. We do not want her to shout at him, punish him and scold him anymore, particularly after it went on the whole quarter. If her behavior is checked, then DU will feel safe and settle into his new environment. He can deal with the kids who are mean to him by himself as long as the adults at school do not take sides against him. It is not realistic to expect Ms. Kellerman to be loving, caring, and nurturing to DU after all this, but I hope she can do her job and help DU to develop academically and socially. In the end, DU can realize his potential and everyone will be content with the outcome.

Alternatively, if DU is only seen as a spoiled child who cannot accept consequences for his behavior, then we are just crazy parents who exaggerate things and over-protect our child. If DU's situation in his English class is not acknowledged and rectified, then DU will get singled out more often and get punished more severely. E.g., he can be sent to the principal's office every time he talks back to [REDACTED] and his gang. He will eventually be broken by his teachers and ostracized by his peers. Every day at school will be a bad day for him. At home, he will cry in the morning before going to school and have nervous breakdowns after coming from school. There will be a lot of damage inflicted on him not only socio-emotionally but also academically. Since he is now at an important stage of his development, some of this damage can be permanent and irrevocable.

I have been to the school only a few times, but I loved what I saw: lively students, happy parents, and caring teachers. DU loves his Chinese class and all the other special classes. We have never received any communication from his teachers suggesting that he has behavior issues. Overall, he had been getting more and more comfortable at school until this week. What happened this week crushed his sense of security and trust that he had built in his English class. He is scared because he feels like anything can happen to him anytime in the English class for any reason.

Your support on this matter will be greatly appreciated.

Regards,  
Tolga

---

**From:** Graber, Meaghan A. <MAGraber@bluevalleyk12.org>  
**Sent:** Friday, October 7, 2022 11:06  
**To:** Tolga Ulusemre <tulusemre@msn.com>; Kellerman, Kristin A. <KAKellerman@bluevalleyk12.org>  
**Subject:** Re: Emotional abuse of DU

Mr. Ulusemre,

Thank you for your email and for the helpful information about D [REDACTED]. We, too, want to

ensure that feels safe and comfortable at his new school.

I will speak with Ms. Salts, our school counselor, about meeting with D [REDACTED] to hear his thoughts and feelings about his classes, lunch, and peers.

I did try to call the phone number you have listed in ParentVue but was unable to leave a voicemail. I'd like to set up a time for a phone call to further discuss this matter with you. I am available today at 2:30pm or on Monday at 8:45am or 2:30pm. Please let me know what time is best.

Sincerely,  
Meaghan Graber

---

**From:** Tolga Ulusemre <tulusemre@msn.com>  
**Date:** Friday, October 7, 2022 at 8:56 AM  
**To:** Kellerman, Kristin A. <KAKellerman@bluevalleyk12.org>  
**Cc:** Graber, Meaghan A. <MAGraber@bluevalleyk12.org>  
**Subject:** Emotional abuse of DU

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Ms. Kellerman,

I am writing to you regarding the incident involving DU yesterday. We tried to tell you during the parent-teacher conference that D [REDACTED] did not feel safe and comfortable at school mainly because of Ms. Cleveland. He is a new student from a state that is in the middle of the Pacific Ocean and he found himself among kids who had been together for over three years. We tried to tell you that a group of kids led by [REDACTED] were mean to him and tried to exclude him and that [REDACTED] was favored by Ms. Cleveland over DU. We hoped that we got the message across and that DU would finally not be scared of going to school in the morning from this week onwards.

Unfortunately, the opposite happened. I do not wish to get into details in this email, but DU had a bad day this Monday. What we gather is that you talked to Ms. Cleveland on Monday and she retaliated by putting more pressure on DU. This whole week has been bad for DU, and he has been begging his mother to come and eat lunch with him every day. Note that lunchtime is when Ms. Cleveland feels in charge the most and DU feels insecure the most. DU feels like Ms. Cleveland has something against him and he is scared of her. Unfortunately, after yesterday, he is now scared of you too.

Yesterday was definitely DU's worst day so far. We paid for school photos but he said that he was too upset to smile for the camera yesterday. This morning he

was crying at home saying that he would not go to your class. We are hereby requesting that the situation is rectified immediately and that Ms. Cleveland stops dealing with DU completely. It is too late to change classes at this point, as DU has started to make friends and settle into his new environment.

We have known DU all his life and he has been to multiple schools before Wolf Springs and he has had several teachers before you. Ms. Cleveland cannot possibly portray DU as a disruptive and an aggressive child and be convincing. He is a shy, gentle, loving, generous kid. However, he is an eight-year-old, and you will find faults in him if you look for them. He can handle kids being mean to him and but he is defenseless in front of adults.

All we wish for is for DU to feel safe and comfortable at school. From now on, we will be on the alert until he stops begging his mother to come and eat lunch with him and until he stops talking about people being mean to him at school. We would like the school counselor to step in as our pediatrician recommended. She asked DU in the physical exam last week about school, and he replied that he did not like school because there were lots of mean people (both children and adults). Maybe the counselor can find out what is going on among Ms. Cleveland, [REDACTED] and his gang, and DU.

Finally, I would like to share with you that we experienced something similar before involving DU's older brother. It was two years ago and it was in Hawaii and we are still fighting to get justice for our son. We are now filing a complaint against that school with the association that accredited it. We are also exposing the individuals involved to the public. We even hired lawyers back then and the only reason we did not file a lawsuit was the lack of education lawyers in the state who had expertise in suing private schools. As parents, we have no choice but to fight against the threats against the well-being of our children.

Regards,  
Tolga Ulusemre

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EXHIBIT  
J

- 12:06 PM G flying among us - Google Search www.google.com
- 12:06 PM G red monkey - Google Search www.google.com
- 12:06 PM G man dog - Google Search www.google.com
- 12:05 PM W Sus - Wikipedia en.wikipedia.org
- 12:05 PM W nuclear bobomb - Search results - Wikipedia en.wikipedia.org
- 12:05 PM W C4 - Wikipedia en.wikipedia.org
- 12:04 PM W Bomb - Wikipedia en.wikipedia.org
- 12:04 PM W Bomb - Wikipedia en.wikipedia.org
- 12:04 PM W dummy island - Search results - Wikipedia en.wikipedia.org
- 12:04 PM W Baka - Wikipedia en.wikipedia.org
- 12:03 PM G is there fresh water in barrier islands - Google Search www.google.com
- 12:02 PM G sumdogs realistic - Google Search www.google.com
- 12:02 PM G sumdogs realistic - Google Search www.google.com
- 12:02 PM G sumdogs realistic - Google Search www.google.com





Fwd: Ulusemre

Clifford Cohen <cac@studentrightslawyers.com>

Sat 02/18/2023 09:32

To:Tolga Ulusemre <tulusemre@msn.com>

Tonga,

Please see the demand from BVSD attorney that you cease further communication with all Wolf Creek staff. We can discuss your options on Monday.

Cliff Cohen

Sent from my iPhone

Begin forwarded message:

**From:** "Hillman, Melissa D." <MHillman@bluevalleyk12.org>  
**Date:** February 18, 2023 at 8:40:37 AM CST  
**To:** Clifford Cohen <cac@studentrightslawyers.com>  
**Subject:** Ulusemre

Cliff,

Please see Mr. Ulusemre’s most recent email below.

I hereby instruct Mr. Ulusemre to cease and desist any further communications with any and all staff at Wolf Springs Elementary School. This includes communications to Ms. Graber. His communications are uncivil and are perceived as threatening. Mr. Ulusemre’s actions have contributed greatly to the disruption of the educational environment at Wolf Springs. Should he continue communicating with Wolf Springs staff, we will be forced to restrict his access to the school altogether.

Mr. Ulusemre may speak to Shelly Nielsen or Amy Farthing should he need school related information concerning his children. Thank you for your assistance with this situation.

Blue Valley School District  
Melissa D. Hillman | General Legal Counsel  
Main 913.239.4000 | Direct 913.239.4015  
mhillman@bluevalleyk12.org

Begin forwarded message:

**From:** "Merrigan, Tonya M." <TMerrigan@bluevalleyk12.org>  
**Date:** February 18, 2023 at 5:03:34 AM CST

1/8/24, 12 06 PM

Mail Tolga Ulusemre Outlook

**To:** "Hillman, Melissa D." <MHillman@bluevalleyk12.org>, "Collier, Katie" <KMCollier@bluevalleyk12.org>

**Subject:** Fwd: ESARG3S1-2 - Elem Art Grade 3 S1 (D [REDACTED] U [REDACTED]) - D [REDACTED] in the Art Room

Dr. Tonya Merrigan  
Blue Valley Superintendent

Begin forwarded message:

**From:** Tolga Ulusemre <tulusemre@msn.com>

**Date:** February 18, 2023 at 1:45:45 AM CST

**To:** "Nielsen, Shelly" <MNIelsen@bluevalleyk12.org>, "Carney, Daniel A." <DARCarney@bluevalleyk12.org>

**Cc:** "Merrigan, Tonya M." <TMerrigan@bluevalleyk12.org>, "Farthing, Amy K." <AFarthing@bluevalleyk12.org>, "Collier, Katie" <KMCollier@bluevalleyk12.org>, "Hayden, Kyle L." <KLHayden@bluevalleyk12.org>, "Schmidt, Mark R." <MRSchmidt@bluevalleyk12.org>, rainxxl@hotmail.com, "Northup, Kelly M." <KNorthup@bluevalleyk12.org>, "Salts, Peggy J. 01" <PSalts01@bluevalleyk12.org>, "Graber, Meaghan A." <MAGraber@bluevalleyk12.org>, "Bordoni, Lily S." <LSBordoni@bluevalleyk12.org>, "Kellerman, Kristin A." <KAKellerman@bluevalleyk12.org>, "Blair, Polly" <PBlair@bluevalleyk12.org>

**Subject:** Fw: ESARG3S1-2 - Elem Art Grade 3 S1 (D [REDACTED] U [REDACTED]) - D [REDACTED] in the Art Room

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Hello,

The evidence collected against D [REDACTED] was collected by a few particular teachers and staff members who became biased against D [REDACTED] and against us after I reported the emotional abuse committed by his English para, Stephanie Cleland, in October 2022. Besides the art teacher, these individuals include Kelly Northup, Peggy Salts, Kristin Kellerman, Lily Bordoni (who is D [REDACTED]'s brother but who is close to Kristin Kellerman, her duty is to collect evidence against D [REDACTED]'s brother, who she despises), and of course, Meaghan Graber. If you investigate the wrongdoings of these individuals

(who act like a clique), then you can prove that the case at hand is that of a few rotten apples rather than that of a rotten barrel.

See the email from D [REDACTED]'s art teacher below. The email clearly shows that she despises D [REDACTED]. Please compare her email to the image attached. The image includes an excerpt from a book meant to prepare prospective teachers for a test that they need to take in order to obtain a teaching license in Kansas. In a sense, the aforementioned individuals do not know one of the first things about being a teacher in Kansas, and hence should not be working as teachers in Kansas.

---

**From:** Blair, Polly <PBlair@bluevalleyk12.org>

**Sent:** Thursday, November 17, 2022 12:43

**To:** Tolga Ulusemre <tulusemre@msn.com>

**Cc:** rainxxl@hotmail.com <rainxxl@hotmail.com>

**Subject:** Re: ESARG3S1-2 - Elem Art Grade 3 S1 (D [REDACTED] U [REDACTED] - D [REDACTED] in the Art Room

Dear Mr. Ulusemre,

Thank you for taking the time to email me about D [REDACTED]'s school experiences as well as the unfortunate experiences he has had with students in his past. I'm so sorry that D [REDACTED] and your family have had teachers that D [REDACTED] didn't feel he could trust.

As the mother of two boys myself, I understand how frustrating and challenging it can be to start at new schools and learn a new school's culture.

I take pride in the culture of the Art Room and hope that as D [REDACTED] and I get to know each other, he'll feel more comfortable in Art and at WSE. Students are able to choose the centers they'd like to use in Art so D [REDACTED] will rarely be required to paint: he can work on drawing and sketching—and I have lots of resources he can use to improve in that area if he wishes.

I will look forward to getting to know D [REDACTED] better and hope that he will find that the high expectations I have for students in the Art Room are there to encourage and protect the learning environment for all my students.

Best,

Polly

-----  
Polly Blair

Visual Art Teacher

[Wolf Springs Elementary](#)

School Voicemail: (913) 624-2400

Twitter: @WSEArtRoom

Instagram: [@PollyBlairArt](#)

[pblair@bluevalleyk12.org](mailto:pblair@bluevalleyk12.org)

"Creativity takes courage." –Henri Matisse

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**From:** Tolga Ulusemre <tulusemre@msn.com>  
**Date:** Wednesday, November 16, 2022 at 4:25 PM  
**To:** Blair, Polly <PBlair@bluevalleyk12.org>  
**Cc:** rainxxl@hotmail.com <rainxxl@hotmail.com>  
**Subject:** Re: ESARG3S1-2 - Elem Art Grade 3 S1 (D [REDACTED] U [REDACTED]) -  
D [REDACTED] in the Art Room

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Dear Ms. Blair,

We moved to Overland Park in late July from a state that is in the middle of the Pacific Ocean. He was so scared during the sneak peek in August that he kept on holding on to my arm. He should be much more comfortable at school now, especially with the kids. However, he still has not totally settled into his environment like the other kids who have grown up and gone to school together for years. He must still be like a nail that sticks out at school, and he might be bent if you pound too heavily on him.

D [REDACTED] also had a bad year last year, which makes him less secure and less confident, thereby hindering his adjustment this year (otherwise he would not be like that during sneak peek). He actually had a good start to the second grade, but two girls in his class developed a personal animosity against him and kept on abusing him, first verbally, but then physically as well. They also used tattling as a bullying tool. The girls always told on him for every little thing and even accused him of doing something that he did not do and the teacher always sided with the girls. D [REDACTED] lost trust in adults, as a result. He even stopped trying to explain himself when he was told on because he was never listened to by the teacher. We tried to communicate with the teacher, but we were not successful. D [REDACTED] actually told us to stop contacting the teacher, because in his words, every time we sent an email, the teacher treated him even worse.

Before last year, D [REDACTED] had a good experience in a Montessori pre-school, had no problems in Kindergarten, and had a great year in the first grade. None of those teachers ever mentioned any issues that are even remotely similar to the ones you describe in your email. Also, we never saw him like how he was during the sneak peek at Wolf Springs before, although he experienced very different school environments in the past: a Montessori school, a public school, and a Catholic private school. Our conclusion is that

1/8/24, 12 06 PM

Mail Tolga Ulusemre Outlook

he was like that during the sneak peek because last year's experience was still haunting him.

Frankly, I sense a level of anger and frustration in your email that is disproportionate to the "wrongdoings" you mentioned in the email. By now, you should be able to tell that he is not mean to others, and that he does not wish to hurt or disrespect anyone and that he does not damage property. He also has no intention of challenging authority. He is actually extremely scared of authority, especially of teachers. We are troubled by the fact that he lost trust in adults and that he lost his faith in justice. He experienced rejection and bullying and now he has become cynical. The more you judge him, the more you look down on him (I can sense a contempt for him in your email), the more cynical and "disrespectful" he will be. All he needs now is being accepted by adults. Only that way you can restore his faith in community.

Overall, I would say you first accept him in your heart and mind. Then he will be more motivated to follow directions and do well. When he tries to do well, he will be more involved in his work instead of in cocking guns and talking to his neighbors. Still, I must say he really does not like painting. He likes sketching, and drawing comic books. I do not think he has an intrinsic motivation to do other kinds of artwork. But he will try to do better to make you happy, given that you accept him. He is that kind of kid. He is full of love and compassion, and he has a very strong need to be accepted.

I have not talked to D [REDACTED] about this yet. I also have not had the chance to discuss this with my wife. I mainly wanted to give you some background about D [REDACTED] in this email, as you requested.

Respectfully,  
Tolga Ulusemre

---

**From:** PBlair@bluevalleyk12.org <PBlair@bluevalleyk12.org> on behalf of Polly Blair <PBlair@bluevalleyk12.org>  
**Sent:** Wednesday, November 16, 2022 14:03  
**To:** tulusemre@msn.com <tulusemre@msn.com>  
**Subject:** ESARG3S1-2 - Elem Art Grade 3 S1 (D [REDACTED] U [REDACTED]) - D [REDACTED] in the Art Room



Message sent from Blue Valley Unified School District

Hello Ulusemre family,

I'm hoping you can help me understand D [REDACTED] a little more, and let me know if Specials like Art were classes and content that were taught at his previous school.

In the WSE Art Room I have very high expectations and standards, but just one "rule:" respect. I expect students to respect the art room and its supplies, their classmates, and themselves.

What I'm noticing from D [REDACTED] is that when he enters the Art Room, he still isn't sure where to go or sit. He talks while I'm talking. (Yesterday he was talking as well as pretending to cock back a gun and shoot.) When it's time to clean up, he wanders around the room as if wondering what to do despite explicitly being told how to clean up.

I thought that perhaps if Art is a new "special" for him that that would explain his behavior. However, if he's had specials like Art, Music, and PE before, then perhaps there is another reason you might know of for why he struggles with my single rule of respect in the Art Room.

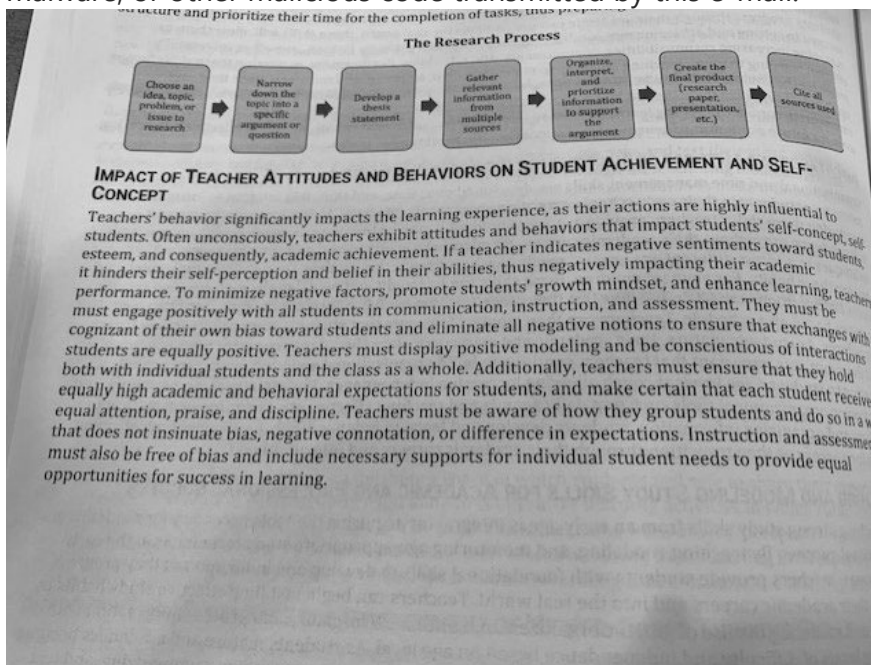
Thank you for your input and helping me understand D [REDACTED] a little more.

Sincerely,  
Polly Blair  
Visual Art Teacher

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Blue Valley Schools - Education Beyond Expectations  
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**Fw: DU's record**

**From** XL Xu <xiaolei.xu2017@outlook.com>  
**Date** Sat 02/01/2025 17:34  
**To** Tolga Ulusemre <tulusemre@msn.com>

📎 2 attachments (147 KB)  
bullying on 0207.pdf; The infamous incident 0208.pdf;

Get [Outlook for iOS](#)

**From:** XL Xu <xiaolei.xu2017@outlook.com>  
**Sent:** Sunday, August 13, 2023 9:56 AM  
**To:** Martin, Suzie <sdmartin@bluevalleyk12.org>  
**Cc:** Newell, Elizabeth L. <enewell@bluevalleyk12.org>; Sonsthagen, Lisa L. <lsonsthagen@bluevalleyk12.org>; KWentz@bluevalleyk12.org <KWentz@bluevalleyk12.org>; Tolga Ulusemre <tulusemre@msn.com>  
**Subject:** Fwd: DU's record

Dear Mrs. Martin,

Thank you so much for making all the efforts to support D [REDACTED]. I hope D [REDACTED] will like his new school after the tour on Monday!

Since D [REDACTED]'s records will be transferred to Liberty View, I am forwarding the email below to keep you updated. If I receive a response from either Meaghan Graber or the superintendent, I will let you know.

Thank you again,

Xiaolei

Begin forwarded message:

**From:** xu xiaolei <rainxxl@hotmail.com>  
**Date:** August 11, 2023 at 11:09:10 PM CDT  
**To:** "Meaghan A. Graber" <MAGRABER@bluevalleyk12.org>, "Tonya M. Merrigan" <TMerrigan@bluevalleyk12.org>  
**Cc:** PSalts01@bluevalleyk12.org, "Kelly M. Northup" <knorthup@bluevalleyk12.org>, "Kristin A. Kellerman" <kakellerman@bluevalleyk12.org>, "Amy K. Farthing" <AFarthing@bluevalleyk12.org>



**Subject: DU's record**

Mrs. Graber,

I am writing to request for an explanation of DU's disciplinary records. Please see the request was sent on May. I was never provided with any explanation from Ms. Farthing. Since you were the one who made notes on his disciplinary records, I am expecting you to make it clear to us.

I believe the information on DU's record is false and DU was framed for having a murder list (which did not even exist). I am hereby requesting the false information to be removed from his records. Otherwise, I will request for an open hearing to discuss this issue.

Sincerely,

Xiaolei

<https://www.bluevalleyk12.org/cms/lib/ks02212623/Centricity/Domain/4477/Family%20Educational%20Rights%20and%20Privacy%20Act.pdf>

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**From:** xu xiaolei <[rainxxl@hotmail.com](mailto:rainxxl@hotmail.com)>

**Date:** Sunday, May 21, 2023 at 8:49 PM

**To:** "Farthing, Amy K." <[AFarthing@bluevalleyk12.org](mailto:AFarthing@bluevalleyk12.org)>, Board of Education <[boe@bluevalleyk12.org](mailto:boe@bluevalleyk12.org)>

**Cc:** "Chace, Cade C." <[CCChace@bluevalleyk12.org](mailto:CCChace@bluevalleyk12.org)>, "Burrow, Kate" <[KABurrow@bluevalleyk12.org](mailto:KABurrow@bluevalleyk12.org)>, Tolga Ulusemre <[tulusemre@msn.com](mailto:tulusemre@msn.com)>, Michelle Merritt <[michelle.merritt@ks.gov](mailto:michelle.merritt@ks.gov)>, "mdombrosky@ksde.org" <[mdombrosky@ksde.org](mailto:mdombrosky@ksde.org)>

**Subject:** DU's record

*EXTERNAL EMAIL:* Do not click any links or open any attachments unless you trust the sender.

Dear Ms. Farthing,

I am writing to inquire for an explanation of my child (DU)'s disciplinary record you sent. During our email exchange on May 8<sup>th</sup>, 2023, I asked two questions regarding the information on his record and was never provided any answers. I am hereby asking the same questions again:

1. What does the Incident Role: Offender mean?

2. What kind of inappropriate behavior did he engage in on February 10<sup>th</sup>, 2023?

Since it happened over three months ago, I am providing as much detailed information as I can to help you know what happened on the week of February 6<sup>th</sup>, 2023. Please also see the attached written reports. Since October 2022, we have been keeping a log for D [REDACTED] after we reported emotional abuse from his English para Stephanie Cleland. If you would like to find out what happened at school one more week, or even one or two months ago, I can provide that information.

02/07/2023

DU was falsely accused of stealing a rubric cube by his classmates. Two of them went through his backpack when he was not present and refused to give his backpack back. This incident happened right at the dismissal. Another parent and I dealt with the situation after school, as well as two teachers from WSE witnessed it.

02/08/2023

This infamous incident involved one student calling another student 'gay'. DU stood up against the bully and told him to stop. We reported it by email on the same night. Several parents from the same class shared the incident with all the other 3<sup>rd</sup> grade Facebook parents. What DU shared with us matched very well with what was shared on the Facebook. No one ever mentioned any student making threats. No teacher present heard any student making any sort of death threats. It was confirmed with me and Meaghan Graber.

My husband happened to have lunch with DU that day at school. DU retold the whole incident to his Dad with the freshest memory. DU told his dad that this was the first time in a very long while he was not the target of bullying. Finally, someone else in the class stood up for him when he was teased. He told us that he stood up against the bully by telling him "Stop being mean". There were so many students who were involved in this incident, including bystanders, cheerers (who were chanting and holding up signs saying the victim was gay) and upstanders.

DU was checked out for a dentist appointment right after lunch. He was absent for the rest of his English class in the afternoon.

This infamous incident was shared on the Facebook with over 100 parents. It had caused lots of anger among parents. We found out that there were many parents like us who were very concerned about the bullying that had been going on in DU's class. The administrators did not do anything effective and sincere to stop the bullying.

02/09/2023

Snow Day—no school.

02/10/2023

Because of the infamous incident on February 8<sup>th</sup>, there were multiple adults in DU's class that morning: his Chinese teacher and Chinese para, Meaghan Graber (principle) and Peggy Salts (school counselor). DU shared with us that there was no incident/bullying happened that morning. He only saw two girls from his class talking to Peggy Salts in the hallway.

DU was then taken by Peggy Salts to her office during lunchtime and he stayed there the whole afternoon till 3 pm. He was questioned about a murder list and making threats, which he had no idea about and passionately denied the accusations.

**What did he do in that week that made him an offender? What kind of inappropriate behavior did he engage in? If standing up against bullying by telling them to stop was considered as inappropriate, what was considered as appropriate? Encouraging the bullying or supporting the ganging up behavior?**

**Since there was never a murder list and any threats, whatever was reported from the students on February 10<sup>th</sup> is a slander. If he was accused of causing disruption among WSE community, what did he do to make it happen? Meaghan Graber's school announcements on a murder list hoax and threats had indeed caused fear and panic among students and parents at WSE. Many students**

**at different grade levels were openly expressing their concerns about a student with a murder list during the following week,** and the school premises were swarmed with police officers.

Hope I can receive your explanation as soon as possible this week!

Thank you,

Xiaolei

Blue Valley Schools Education Beyond Expectations

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10/15/23, 11:53 AM

Gmail - Communications

**EXHIBIT  
M**

Tolga Ulusemre &lt;tulusemre@gmail.com&gt;

**Communications**

1 message

**Hillman, Melissa D.** <MHillman@bluevalleyk12.org>

Mon, Aug 14, 2023 at 1:34 PM

To: "tulusemre@gmail.com" &lt;tulusemre@gmail.com&gt;, xu xiaolei &lt;rainxxl@hotmail.com&gt;

Dr. Ulusemre and Ms. Xu,

We request you cease communication with any staff member at Wolf Springs Elementary School and Cedar Hills Elementary School. In addition, you shall not enter the premises of those schools. As we have already conveyed to you, the events at Wolf Springs were thoroughly investigated and the resulting disciplinary consequences will stand, as well as the grade assigned by Ms. Bordoni. All future communication from you should be directed solely to school administrators who are currently serving your children. Your failure to comply with this direction will result in further remedial action, including a complete ban on your access to Blue Valley property and personnel.

It is our hope that we can work together to provide your children with a positive school experience.

Melissa Hillman

Chief Legal Officer/Board Attorney

Blue Valley School District

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