

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**OLECIA JAMES**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.:** 4:19-CV-066-DMB-RP

**THE CLEVELAND SCHOOL DISTRICT,  
DR. LISA BRAMUCHI, in her individual and official  
capacity, DR. RANDY GRIERSON in his  
individual and official capacity, DR. JACQUELINE THIGPEN,  
in her individual and official capacity, GEORGE  
EVANS in his individual and official capacity,  
RICHARD BOGGS, in his individual and official  
capacity, TODD FULLER, in his individual and official  
capacity, DR. CHRESTEEN SEALS, in her individual  
and official capacity, and TONYA SHORT, in her  
individual and official capacity**

**DEFENDANTS**

**COMPLAINT  
(Jury Trial Demanded)**

**I.**

**NATURE OF THE CASE**

1. This is an action for monetary damages and for declaratory relief to enforce the provisions of the Fourteenth Amendment to the United States Constitution and to prevent future deprivation of the rights, privileges and immunities secured by the federal constitution and applicable state statutes.

**II.**

**JURISDICTION & VENUE**

2. The jurisdiction of the Court invoked under Title 28 of the United States Code §§1331, 1343(3), 1343(4) and 2201. This complaint being further authorized by Title 42 of the United

States Code §1983. The actions complained of occurred in the venue of the U.S. District Court for the Northern District of Mississippi.

### **III.**

#### **PARTIES**

3. Plaintiff, Olecia James, is an African-American female resident of Cleveland, Mississippi. Olecia James was denied equal educational opportunities in the Cleveland School District and the title of Salutatorian of the Class of 2018 school at Cleveland Central High School in Cleveland, MS due to her race.

4. Defendant Cleveland School District is a body corporate and political subdivision of the State of Mississippi, duly established under the laws and constitution of said State. It has policy making and administrative responsibilities of the Cleveland School System and has the power of suing and being sued in its own name. Defendant Cleveland School District may be served with process of this Court by serving a copy of the summons and complaint upon its current Superintendent, Dr. Jacqueline Thigpen at 305 Merritt Drive, Cleveland, Mississippi 38732.

5. Defendant Dr. Jacqueline Thigpen is the Superintendent of the Cleveland School District, and she is being sued in her individual and official capacity. She may be served with process of this Court at 305 Merritt Drive, Cleveland, Mississippi 38732.

6. Defendant Dr. Lisa Bramuchi is the Assistant Superintendent of the Cleveland School District, and she is being sued in her individual and official capacity. She may be served with process of this Court at 305 Merritt Drive, Cleveland, Mississippi 38732.

7. Defendant Dr. Randy Grierson is the Principal of Cleveland Central High School and he is being sued in his individual and official capacity. He may be served with process of this Court at 305 Merritt Drive, Cleveland, Mississippi.

8. Defendant George L. Evans is the Cleveland School District Board President. He is being sued in his individual and official capacity. He may be served with process of this court at 260 Brooks Avenue, Boyle, Mississippi 38730.

9. Defendant Todd Fuller is the Cleveland School District Board Vice-President. He is being sued in his individual and official capacity. He may be served with process of this court at 305 Merritt Drive, Cleveland, Mississippi 38732.

10. Defendant Richard Boggs is the Cleveland School District Board Secretary. He is being sued in his individual and official capacity. He may be served with process of this court at 305 Merritt Drive, Cleveland, Mississippi 38732.

11. Defendant Dr. Chresteen Seals is the Cleveland School District Board Chaplain. She is being sued in her individual and official capacity. She may be served with process of this court at 115 Belvedere Court, Cleveland, Mississippi 38732.

12. Defendant Tonya Short is the Cleveland School District Board Parliamentarian. She is being sued in her individual and official capacity. She may be served with process of this court at 305 Merritt Drive, Cleveland, Mississippi 38732.

13. At all times set out herein, defendants were and have been acting under color of the statutes, ordinances, rules, regulations, and policies of the State of Mississippi and the Cleveland School District and their acts or omissions were conducted within the scope of their official duties or employment.

#### IV.

#### FACTS

14. On May 2, 2018, approximately two weeks prior to Cleveland Central High School's inaugural graduation, Olecia James learned that school officials lowered her weighted grade point average by reducing the quality points she had earned from courses she had taken at East Side High School, which was the district's segregated high school until the school closed in 2016.

15. On May 4, 2018, Yvonne Herron, Olecia James' grandmother, and Obbie James, Olecia James' father, met with the superintendent, Dr. Jacqueline Thigpen, who is black, about Olecia James' quality points. During that meeting, Dr. Jacqueline Thigpen did not resolve the issues raised by Herron and James.

16. On May 8, 2018, Yvonne Herron met with Dr. Lisa Bramuchi, who is white, and serves as the district's Curriculum Director about courses Olecia James took as well as the quality points she earned for her grades in those courses. Dr. Lisa Bramuchi and Denise Mullens, the district's SAMS/MSIS Director, who is white, provided Yvonne Herron with a grade script which was incorrect. Dr. Bramuchi provided no answers when questioned about the information she had provided.

17. On May 11, 2018, Yvonne Herron and Obbie James met with the Principal of Cleveland Central High School, Dr. Randy Grierson, who is white, about the courses Olecia James took and the quality points she earned in those courses. Yvonne Herron and Obbie James told Dr. Randy Grierson the quality points were stated incorrectly on the grade scripts provided by the district. Principal Grierson stated he had no access to the courses and quality points and suggested that Yvonne Herron and Obbie James discuss the matter with Dr. Jacqueline Thigpen.

18. On May 11, 2018, Yvonne Herron and Obbie James, met again with Dr. Jacqueline Thigpen about Olecia James' quality points which were incorrectly stated on the grade scripts provided by the district. Dr. Thigpen refused to address the issues and provided no explanation as to why Olecia James quality points were stated incorrectly on her grade scripts.

19. On several occasions subsequent to May 11, 2018, Yvonne Herron attempted to meet with Dr. Jacqueline Thigpen to resolve her concerns about the courses Olecia James took and the quality points reflected on Olecia James' grade script. Dr. Thigpen failed to return phone calls or respond to visits made to the Central Office.

20. When Yvonne Herron was unable to resolve the matter with Dr. Jacqueline Thigpen and Dr. Lisa Bramuchi, she made a request to discuss the matter with the Cleveland School District School Board.

21. On May 14, 2018, Olecia James and Yvonne Herron met with the Cleveland School District School Board about the courses and quality points reflected on Olecia James' grade script. The School Board members present during the meeting were George Evans, President, who is white, Todd Fuller, Vice-President, who is white, Richard Boggs, Secretary, who is white, Dr. Chresteen Seals, Chaplain, who is black, and Tonya Short, Parliamentarian, who is black. Also present during the meeting were Dr. Jacqueline Thigpen, Dr. Lisa Bramuchi, Dr. Angela Harris, Federal Programs Director, who is black, Betty Jones, Administrative Assistant to the Superintendent and Board Clerk, who is black, and Board Attorney Jamie Jacks, who is white. During this meeting, Board President George L. Evans stated that Dr. Jacqueline Thigpen had apprised the Board of the matter regarding Olecia James' courses and quality points reflected on her grade script prior to calling them into the meeting room. George L. Evans apologized for the discrepancies they had made on the grade scripts. Board Member Chresteen Seals and Assistant Superintendent Lisa

Bramuchi apologized as well. Dr. Jacqueline Thigpen then presented Olecia James a new grade script correcting the discrepancies which necessitated the complaint and meeting with the School Board.

22. The new grade script presented during the school board meeting on May 14, 2018 showed that Olecia James' cumulative weighted quality point average (QPA) was 4.41, making her the first salutatorian of the newly integrated Cleveland Central High School.

23. On May 17, 2018, however, Principal Randy Grierson, who is white, announced W.M., a white male, as the salutatorian of the Cleveland Central High School's inaugural Graduation Class of 2018 with a cumulative QPA of 4.34.

24. Since May 17, 2018, numerous unsuccessful attempts were made by Olecia James, Obbie James, and Yvonne Herron to Superintendent Jacqueline Thigpen, Assistant Superintendent Lisa Bramuchi, and Board Member Chresteen Seals to explain the changes made to Olecia James' grade script which was provided at the school board meeting held on May 14, 2018.

25. On May 18, 2018, Olecia James and Yvonne Herron met with Dr. Jacqueline Thigpen and Dr. Lisa Bramuchi about the change in Olecia's QPA from the May 14, 2018 meeting with the School Board. Bramuchi appeared nervous during the short meeting and had to excuse herself for a restroom break. After Dr. Lisa Bramuchi's return to the meeting, neither she nor Thigpen would explain why the changes were made. They presented Olecia James a new grade script printed by Denise Mullens showing Olecia's QPA as 4.33. When Olecia James asked Dr. Bramuchi and Dr. Thigpen why her credits were taken "back" away since the May 14, 2018 School Board Meeting, Dr. Thigpen responded, "I'll have to look into it."

26. The Cleveland School District School Board, Dr. Jacqueline Thigpen, and Dr. Lisa Bramuchi failed to follow the district's policy of assigning quality points and naming the

salutatorian as the senior with the second highest cumulative weighted quality point average (QPA).

27. Dr. Lisa Bramuchi and Denise Mullens lowered and/or never assigned the quality points earned by Olecia James and other black students enrolled in the International Baccalaureate Program at D.M. Smith Middle School and East Side High School, the predominately black segregated schools in the district at the time.

28. Dr. Lisa Bramuchi and Denise Mullens did not lower the points of white students enrolled in the Star and Accelerated Programs at Margaret Green Jr. High School and Cleveland High School.

29. It is the longstanding, widespread, deliberately indifferent custom, habit, practice and/or policy of the Cleveland School District to discriminate against its black students relative to course offerings, facilities, faculty assignments, resources, honors, and extracurricular activities.

30. The Cleveland School District has been under several court imposed consent orders directing the district to desegregate its secondary schools, ensure uniform opportunity of course offerings to all students throughout the district, and remove the vestiges of segregation and discrimination which has plagued the schools and entire community for decades.

31. The Cleveland School District has failed to follow previous court imposed consent orders, and instead, has continued to pursue practices, customs, habits and/or policies to circumvent these court orders.

32. The defendants had to be ordered by this Court to desegregate its secondary schools more than six decades after the Supreme Court outlawed segregation in *Brown v. Board of Education*.

33. The defendants appealed the desegregation order and opinion of the U.S. District Court to the Fifth Circuit Court, where they posited the fear of white flight as a primary reason for the

court to allow them to continue their practice of racial segregation by maintaining two high schools and two junior high schools.

34. The defendants, in light of the newly formed consolidated Cleveland Central High School and in their angst to prevent white flight, named W.M., a white male student, as salutatorian of the inaugural class of Cleveland Central High School in 2018, a position he had not earned, and in doing so, discriminated against Olecia James, a black female who had earned the position.

35. The defendants selected W.M., a white male, as salutatorian of Cleveland Central High School's inaugural graduating Class of 2018 even though he had a lower cumulative quality point average (QPA) than Olecia James, a black female.

36. Dr. Jacqueline Thigpen, as superintendent, Dr. Lisa Bramuchi as Assistant Superintendent, and Board members George Evans, Randy Grierson, Richard Boggs, Todd Fuller, Dr. Chresteen Seals, and Tonya Short had a duty to ensure that the quality points assigned to courses were assigned on a non-discriminatory basis per the district's student handbook and curriculum guide.

37. The Cleveland School District failed to provide equitable educational opportunities to students at D.M. Smith Middle School and East Side High School, the segregated black schools in the district.

38. The Cleveland School District provided students at Margaret Green Jr. High School, through its Star Program, and students at Cleveland High School, through its Accelerated Program, educational opportunities that were not afforded to students at D.M. Smith Middle School and East Side High School, the segregated black schools in the district.

39. The Cleveland School District proffered to the courts, students, parents, and policy that the International Baccalaureate Program at D.M. Smith Middle School and East Side High School was equivalent to and/or better than what was offered to students at Margaret Green Jr. High School



and Cleveland High School; however, upon the high schools consolidation as Cleveland Central High School, school officials took away and/or never assigned quality points earned by students enrolled in the IB Program at D.M. Smith Middle School and East Side High School.

40. Points earned by Margaret Green Jr. High School and Cleveland High School students were not taken away upon the high schools consolidation as Cleveland Central High School.

41. Had Dr. Jacqueline Thigpen and Dr. Lisa Bramuchi ensured that W.M. only received points authorized by the district student handbook and curriculum guide as they did for Olecia James and other black students from East Side High School, W.M. would not have been named salutatorian.

42. As a result of the school official's actions to prevent white flight by giving a white male student, W.M., one of the two top academic positions, the defendants discriminated against Olecia James in violation of the Fourteenth Amendment to the United States Constitution. In addition, the defendants discriminated against Olecia James when they offered accelerated and advanced quality points for rigorous coursework at Margaret Green Jr. High School and Cleveland High School without offering equitable opportunities for students at D.M. Smith Jr. High School and East Side High School. The defendants also discriminated against Olecia James when they named a white female whose GPA was lower than Olecia James as the star athlete in 2018.

43. Plaintiff has suffered loss of scholarships, loss of opportunities, humiliation, loss of self-esteem, embarrassment, mental anguish, emotional distress, pain and suffering, and other damages to be shown at the trial of this matter.

## V.

### CAUSES OF ACTION

44. The Cleveland School District and other defendants herein violated Plaintiff's constitutionally protected rights under the Equal Protection Clause of the Fourteenth Amendment

to the United States Constitution by treating Olecia James less favorably than she treated similarly situated white students. At all times pertinent herein, Olecia James had a clearly established right to be treated the same as similarly situated white students in the Cleveland School District.

45. Olecia James had a clearly established right to due process. The defendants violated Olecia James' right to due process when they gave W.M. more points for courses than allowed by the school district's policies as outlined in the Student Handbook and Curriculum Guide.

46. The acts or omissions of Defendants as described herein intentionally deprived Plaintiff of her constitutional and statutory rights and caused her other damages.

47. Defendants are not entitled to qualified immunity for the complained of conduct.

48. Olecia James has suffered irreparable injury as a result of Defendants unprecedented, unilateral, blatant, and unconscionable discriminatory actions.

49. Plaintiff seeks monetary damages as a result of the Cleveland School District changing and/or failing to follow the established policies and procedures for selecting the Salutatorian for Cleveland Central High School based on race.

50. Plaintiff further seeks declaratory relief to have Olecia James publicly declared as the salutatorian of the Cleveland Central High School Class of 2018.

**WHEREFORE PREMISES CONSIDERED,** Plaintiff prays that this Court take jurisdiction of this case and:

- 1). Award Plaintiff monetary damages in an amount to be determined by a jury.
- 2). Award Plaintiff the costs and expenses of this litigation together with her reasonable attorney's fees;

- 3). Order that the defendants follow the district's policies and procedures for selecting the valedictorian, salutatorian, star athletes, and honor graduates at Cleveland Central High School in Cleveland, MS.
- 4). Enter a declaratory judgment that Olecia James is the salutatorian for Cleveland Central High School's graduating class of 2018; and,
- 5). Retain jurisdiction of this action and grant Plaintiff any further relief which may in the discretion of this Court be necessary and proper to ensure racially fair selections of valedictorians, salutatorians, star athletes, and honor graduates at Cleveland Central High School in the Cleveland School District.

**RESPECTFULLY SUBMITTED** this, the 26th day of April 2019.

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