

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAMION WALKER and A.W., a minor, by
and through his father and next friend,
DAMION WALKER,

Plaintiffs,

V.

NAUSET REGIONAL SCHOOL DISTRICT; NAUSET REGIONAL SCHOOL COMMITTEE; PETER COHEN, Principal of Nauset Regional Middle School *in his personal and official capacity*; MICHAEL CILIBERTO, Assistant Principal of Nauset Regional Middle School *in his personal and official capacity*; BRETT COSTELLO, Assistant Principal of Nauset Regional Middle School *in his personal and official capacity*,

Defendants.

Civil Action No. 26-cv-14113

COMPLAINT; DEMAND FOR JURY TRIAL

Plaintiff DAMION WALKER, on behalf of minor child A.W., by and through their undersigned attorneys, allege as follows:

INTRODUCTION

1. This case is about a school district that knew a Black child was being racially tormented by his white classmates—called the N-word, called a “slave monkey,” and subjected to whipping gestures—and failed, again and again, to protect him.

2. A.W. endured months of racial slurs and physical assault that Nauset Regional Middle School (NRMS), part of the Nauset Regional School District, documented but did nothing meaningful to stop. Pushed to the limit, fourteen-year-old A.W. swallowed thirty pills in an attempt

to end his life. He told hospital staff that bullying at school was “100% the reason” he did it.

3. The District had the knowledge, opportunity, and duty to protect A.W. from extreme racist vitriol. Faculty members repeatedly told administrators that A.W. was being targeted because of his race. Aggressor students confessed to using racial slurs and to physically assaulting him. A school-ordered behavioral assessment concluded that A.W.’s peers, *not A.W.*, were the source of the problem. Yet instead of protecting A.W., the District questioned his credibility, tried to shift blame to A.W. and his father, and removed A.W. from classes as though *he* were the offender. The District’s own records show that it did not issue a formal finding of bullying or harassment, nor implement any safety plan, until more than a month after A.W. had already tried to take his own life.

4. Even after A.W.’s suicide attempt, the harassment did not stop. When he finally returned from the hospital, a white classmate again terrorized him, using the N-word against him. Later, a peer cruelly asked their classmates to raise their hands if they wanted A.W. to kill himself, and a classmate raised her hand and said, “I do, I do.”

5. A.W.’s experience at NRMS was not an isolated failure. It reflects a broader pattern at Nauset Regional School District, where staff have described a widespread practice of dismissing and discrediting students of color who report racial bullying, and retaliating against staff who report racial bullying. Further, data reveals Black students are disciplined at NRMS at nearly three times the rate of their white peers.¹ The District’s Bullying Prevention and Intervention Plan falls short of the protections that Massachusetts law requires—and even those inadequate protections

¹ *School and District Profiles: 2023-24 Student Discipline Data Report*, Mass. Dep’t of Elementary & Secondary Educ., <https://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=06600305&orgtypecode=6&=06600305&&fycode=2024> (last visited Aug. 31, 2026).

went unenforced when it mattered most.

6. Plaintiffs A.W. and his father, Damion Walker, bring this action to hold Defendants accountable for their deliberate indifference to the pervasive, severe, and offensive racial harassment A.W. endured; for violating his constitutional and statutory rights to equal protection, due process, and a safe and adequate public education; and to secure the systemic reforms necessary to ensure that no other child in the District suffers as A.W. did.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over the claims stated herein under 28 U.S.C. §§ 1331 and 1343.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 as all Defendants to the litigation reside in the state of Massachusetts, and all actions and/or omissions giving rise to the claim occurred and continue to occur in the state of Massachusetts.

PARTIES

9. Plaintiff Damion Walker is and has been a resident of Massachusetts at all times pertinent hereto.

10. Plaintiff A.W. is and has been a resident of Massachusetts at all times pertinent hereto.

11. A.W. was born in Jamaica and spent significant time living there with his mother before moving full-time to Massachusetts to live with his father, Mr. Walker. He has two younger siblings.

12. A.W. is an energetic student who is eager to learn. He enjoys participating in sports. In middle school, he played soccer and basketball in local recreation leagues and played left tackle on the NRMS football team. A.W. also likes playing Xbox video games.

13. Defendant Nauset Regional School District is a Massachusetts regional school district. Nauset Regional School District is comprised of primarily white students and white staff.

14. Defendant Nauset Regional School Committee is the governing body for the Nauset Regional School District.

15. Peter Cohen is the Principal of NRMS and is being sued in both his personal and official capacity.

16. Michael Ciliberto is the Assistant Principal of NRMS and is being sued in both his personal and official capacity.

17. Brett Costello is the Assistant Principal of NRMS and is being sued in both her personal and official capacity.

FACTUAL ALLEGATIONS

18. A.W. suffered extreme racial bullying and harassment at the hands of his white classmates at NRMS beginning in sixth grade and peaking during his eighth-grade year.

I. 2021–2022 School Year

19. A.W. began attending NRMS in sixth grade during the 2021–2022 school year after moving to the area from Jamaica.

20. During that school year, 81.8% of the students at NRMS were white. Only 4.9% were Black.²

21. From his start at NRMS, A.W. was persistently and severely bullied by his white peers. In one incident, a classmate said to A.W.: “go kill yourself.”

22. The District officials responsible for A.W.’s safety neglected to protect him.

² *School and District Profiles: Enrollment Data*, Mass. Dep’t of Elementary & Secondary Educ., <https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=06600305&orgtypecode=6&&fycode=2022> (last visited Aug. 31, 2026).

23. Extreme race-based harassment at NRMS drove A.W. to suicidal ideation. In December 2021, A.W. wrote a poem about committing suicide and expressed suicidal thoughts online and with his peers.

24. Rather than providing A.W. with the support and care he needed in the aftermath of his school-based, white peer-driven suicidal ideation, NRMS treated the Black child as the problem. Upon information and belief, other white classmates were not cast as the “problem” when they reported bullying.

25. The District scrutinized what it deemed as A.W.’s “problematic” and “disruptive” behavior to determine whether he could be placed in special education services or a behavioral health program. It looked to create a reason to continue painting the Black child as the one to blame. To that end, NRMS ordered a Risk Assessment and a Psychological Evaluation, which were completed in February and March 2022.

26. The doctor completing the Risk Assessment found that A.W.’s so-called “problematic” behavior was frequently reactive to external stimulation, such as his classmates’ harassment.

27. The doctor spoke with A.W., who expressed that people put him down and bullied him. A.W. also voiced concern about interpersonal relationships with the NRMS psychologist who was completing his Psychoeducational Evaluation.

28. The doctor diagnosed A.W. with combined type Attention-Deficit/Hyperactivity Disorder (ADHD).

29. Due to his ADHD diagnosis, A.W. qualified for and began receiving special education services under the Individuals with Disabilities Education Act (IDEA), including through an Individualized Education Program (IEP). A.W.’s IEP provided specialized instruction

and accommodations.

30. NRMS also placed A.W. in its Individualized Learning Program—a specialized therapeutic, behavioral health, and special education program for students with socio-emotional, behavioral, or neurological needs.

31. Although these services may have supported A.W.’s academic or psychological development, they did not address the hostile environment he continued to face in school.

32. The District treated A.W. as a scapegoat while it allowed racism to go unchecked.

II. **2023–2024 School Year**³

A. ***Race-Based Harassment in Fall 2023 and Winter 2024***

33. A.W. was an eighth-grade student at NRMS for the 2023–2024 school year.

34. During that school year, 79.4% of the students at NRMS were white. Only 5.2% were Black.⁴

35. In October 2023, A.W. was called the N-word by white students in his Physical Education class.

36. In January 2024, A.W. was the victim of five separate attacks by white peers:

- a. A classmate took A.W.’s glasses, rendering him sightless and helpless, and initially refused to return them.
- b. A classmate described A.W. as “Black Black Black.”
- c. A classmate called A.W. a “slave monkey.”
- d. A classmate made a whipping motion toward A.W. in the hallway.

³ For unrelated reasons, A.W. attended school in Florida for most of seventh grade, the 2022–2023 school year, before re-enrolling at NRMS toward the end of seventh grade.

⁴ *School and District Profiles: Enrollment Data*, Mass. Dep’t of Elementary & Secondary Educ., <https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=06600305&orgtypecode=6&&fycode=2024> (last visited Aug. 31, 2026).

- e. While his class watched the film Hidden Figures, a classmate told A.W. he was “as Black as the spaceship.”

37. The following month, A.W.’s incessant harassment by white peers continued:

- a. A classmate touched A.W.’s buttocks without his consent while standing in the lunch line. A.W. pushed the aggressor away. Another classmate jumped in and started pushing A.W., saying to A.W. “don’t mess with my [N-word].” The aggressor then threw A.W. to the ground and got on top of him. Jesse Flynn, an adjustment counselor at NRMS, pulled the aggressor off of A.W. to stop the violence inflicted upon him. The aggressor later admitted to physically attacking A.W.
- b. A classmate called A.W. the N-word several times throughout the month of February.
- c. The same classmate admitted to saying to A.W., “it’s a good thing it’s your month,” referencing Black History Month.

38. On February 2, 2024, NRMS administrators spoke with special education teacher, Stacey Clark, and adjustment counselor, Jessica Newell. Both faculty members verified that A.W. was being pervasively targeted with racialized and inappropriate comments from multiple classmates.

39. Ms. Clark noted that several students deliberately provoked A.W. to trigger him and incite a reaction.

40. Ms. Newell shared that A.W. told her that he felt harassed every day, that he felt like he did not belong at NRMS or want to be there, and that nothing was being done by NRMS. She also said that A.W. does not feel safe at school, but he keeps attending because he wants to

learn.

41. Despite the pervasive and insidious bullying, as well as documented information from these two faculty members, the District did not take adequate action to support or protect A.W.

42. Upon information and belief, white classmates were offered supportive measures after experiencing repeated incidents of peer bullying, including incidents that were far less severe.

43. Further, the District did not provide A.W. nor his father with an effective means of reporting bullying and harassment.

44. At some point in fall 2023 or early winter 2024, NRMS gave A.W. a Google document to report incidents. NRMS was aware that A.W. was not utilizing the document but made no effort to determine whether he understood how to use it, nor did NRMS provide an alternative or more accessible reporting option. NRMS also failed to make Mr. Walker aware of this Google document.

45. Across all these racially hostile incidents, the District failed to meaningfully promote accountability, repair relationships, foster reconciliation, or ensure A.W. felt safe after incidents of bullying or harassment. Instead, any response by NRMS was merely perfunctory and procedural.

46. For example, after a student called A.W. “Black as the spaceship,” NRMS’s response began and ended with a forced apology extracted from the student who denied making the comment and accepted no responsibility for it. NRMS did not investigate nor determine what actually happened, nor did it hold the student accountable. The result was an empty ritual: A.W. was made to sit through an apology that he knew was insincere, and NRMS could treat the box as checked. NRMS took no further steps to ensure meaningful accountability or address the harm

caused.

47. The District repeated similarly hollow responses with other incidents, including forcing A.W. to participate in mediation with aggressors in some of the other above-mentioned incidents. A.W. told NRMS administrators that these apologies were also insincere. But NRMS disregarded this, and did not require any further reparative or reconciliatory process to restore A.W.'s sense of safety and support him moving forward.

48. The District did not implement any safety plan to mitigate A.W.'s bullying or otherwise protect A.W. from bullying despite numerous reported incidents spanning months.

49. Instead, NRMS often questioned, discredited, or dismissed A.W.'s reports of racial bullying.

50. At times, Defendant Cohen and other high-level NRMS administrators accused A.W. of being an inaccurate reporter.

51. A.W.'s white classmates would often tell NRMS staff that A.W. was the instigator, and NRMS would take those white students' sides instead of conducting a neutral assessment.

52. Instead of taking meaningful action to protect A.W., NRMS ordered a Functional Behavioral Assessment of A.W. in late January 2024 to investigate what it deemed A.W.'s "problematic" behaviors.

53. NRMS's ILP staff collected data on A.W.'s identified behaviors from January 29, 2024, through March 1, 2024. Over that one-month assessment period, staff documented thirteen incidents of "problematic" behavior, *all* of which were triggered by negative peer comments, or, in one case, inappropriate physical contact (touching A.W.'s buttocks without his consent).

54. The District knew that A.W. was facing severe, pervasive bullying and harassment, ranging from racial slurs to physical violence. Despite this knowledge, it did not take appropriate

action to protect A.W.

55. The District's actions and inactions ultimately led to A.W.'s suicide attempt on March 11, 2024.

B. *A.W.'s Suicide Attempt in March 2024*

56. In March 2024, A.W.'s bullying reached crisis level.

57. After returning home from school on March 11, 2024, A.W. attempted suicide. He took thirty 200 mg tablets of ibuprofen.

58. A.W. was admitted to the hospital, where he stayed for seven days.

59. Hospital staff evaluated A.W. and documented that A.W. reported symptoms of helplessness, hopelessness, and low self-esteem.

60. During a private evaluation, A.W. told hospital staff that being bullied at school was "100% the reason" he attempted suicide.

61. Hospital staff wrote in his discharge plan that A.W. "is being bullied at school. He states the school knows and is not doing much about it. He states he is bullied every day. He states he was hoping to take the pills and not wake up."

62. The hospital's discharge plan described racial bullying incidents—being called a slave, and a classmate making whipping noises at him—and noted that A.W. "does not feel safe at school."

63. The District's actions and inactions that allowed white classmates to terrorize A.W. led to A.W.'s trauma that culminated in a suicide attempt that endangered his health and kept him out of school, further isolating him and heightening his fears of returning to a racially hostile school environment.

64. A.W. was discharged from the hospital on March 18, 2024.

65. The hospital referred A.W. to a counseling service, and Mr. Walker set up weekly therapy sessions. A.W. participated in therapy sessions with the counselor through the end of the school year to cope with the severe race-based bullying and trauma that drove him to attempt suicide.

C. *Race-Based Harassment Continued in Spring 2024*

66. NRMS did not contact a School Resource Officer about A.W.'s frequent bullying until March 14, 2024—three days *after* A.W. had attempted suicide.

67. The School Resource Officer is tasked with working alongside administrators and counselors to prevent problems with students, support safety plans, and respond to incidents.

68. NRMS's above-mentioned Functional Behavioral Assessment was not completed by the behavior analyst until March 19, 2024—the day *after* A.W.'s discharge from the hospital.

69. The behavior analyst found that A.W.'s behavioral incidents were consistently triggered by his peers. As described above, the report noted that every documented incident of A.W.'s "problematic" behavior actually followed a *peer's* bad behavior.

70. This aligned with concerns previously raised by Ms. Clark to school administrators that classmates targeted A.W. and intentionally incited his reactions.

71. Indeed, the behavior analyst's assessment recognized NRMS's blind spot: A.W.'s reactions to peer provocation had drawn attention to his behavior, while his white peers' inappropriate and harassing actions went largely unnoticed. The behavior analyst wrote that A.W.'s intense responses "have placed the focus of the 'problem' squarely on [A.W.] while overshadowing the more covert actions . . . of his peers."

72. The behavior analyst concluded that negative peer behavior was the single consistent trigger for A.W.'s behavior, and that reducing or eliminating that peer behavior should

be the primary focus of any intervention by the District.

73. The behavior analyst also recommended that NRMS validate A.W.'s perspectives and reactions. He noted that A.W.'s reactions were not unusual or excessive given the circumstances.

74. With this Functional Behavioral Assessment, the District had a clear roadmap with recommendations for better supporting A.W. It was simple: reduce incidents of harassment by white students, and support A.W., one of the few Black students at NRMS.

75. However, the District made no meaningful changes. Instead, it continued to allow white students to spew racial slurs at A.W.

76. A.W. returned to school in mid-March 2024 shortly after his suicide attempt and release from the hospital.

77. A.W. did not want to return to school, scared for the bullying that he knew would continue.

78. Just a few weeks later, in early April, a white classmate called A.W. the N-word. A.W. shared this incident with his therapist, who reported it during a meeting with NRMS administrators on April 11, 2024.

79. Despite the many incidents of extreme bullying and harassment, NRMS did not compile a Bullying or Harassment Incident Reporting Form, make an official finding of harassment, nor implement a Safety Plan until sometime in mid-to-late April 2024. Upon information and belief, Defendant Ciliberto completed this belated form.

80. In the April Harassment Form, NRMS finally found that A.W. was being harassed at school.

81. The April Harassment Form noted that A.W. "reports that he does not feel safe at

school,” and that both A.W. and Mr. Walker shared that A.W. was experiencing “*daily* racial comments at school and that *nothing* is ever done about it.” (emphasis added). Adjustment counselor, Mr. Flynn, similarly shared that A.W. “feels like the school does nothing about any of these incidents.”

82. At the same time, the April Harassment Form minimized the impact of race-based bullying on A.W.’s suicide attempt and deflected NRMS’s role.

83. The April Harassment Form included a Safety Plan outlining what actions NRMS would take:

- a. Moving A.W. away from the ILP room and into the Bridge Program with Ms. Newell, then slowly reintegrating him into his classes. The Bridge Program is a specialized program helping students transition back to school from prolonged absences.
- b. Removing A.W. from two study skills classes, as some of his bullies were in those classes.
- c. Removing A.W. from a Civics class to separate him from several of the students who had been harassing him.

84. This Safety Plan failed to take A.W.’s perspective into account. The first action was the District’s default transition program and was not related to nor did anything to address A.W.’s bullying and harassment.

85. The other two actions functioned as punishments and negative consequences for A.W. rather than as supportive measures. He did not like being pulled out of classes, as it ostracized him even more. The students who bullied him were not removed from any classes.

86. The District’s continued failure to take appropriate action—and thus, its

condonement of the harassing conduct—caused further peer bullying throughout the spring.

87. On June 5, 2024, a classmate said in front of a group of people, “Raise your hand if you want [A.W.] to kill himself,” and then another student raised her hand and said, “I do, I do.”

88. A.W. told a NRMS staff member what happened that same day. A.W. said this was not the first time the aggressor had behaved this way toward him. In fact, this was the third incident by this particular aggressor.

89. Later that evening, A.W. told a fellow student that he was very upset and on the brink of tears.

90. The aggressor initially denied making the harassing comment to A.W., but two days after the incident, she admitted that she previously lied and that she did in fact make the comment. The aggressor told Defendants Ciliberto and Costello that she wanted A.W. to be totally separated from her—and as described below, the school complied.

91. Yet A.W. was not provided the opportunity to express how he wanted the repeated bullying to be resolved.

92. Because of this incident, NRMS perfunctorily completed another Bullying or Harassment Incident Reporting Form. Upon information and belief, Defendant Ciliberto completed this form.

93. In the June Harassment Form, NRMS found that A.W. was being harassed at school.

94. The June Harassment Form included a Safety Plan outlining what actions NRMS would take:

- a. Making a schedule change so that A.W. and the aggressor would not share any classes.

- b. Notifying teachers that any interactions between the two students would result in immediate removal of the student from the learning environment.

95. The first action is what the aggressor had requested. NRMS acted on the aggressor's wishes, not A.W.'s safety needs.

96. A.W. had already expressed that he disliked being separated from his classes and singled out. Yet NRMS ignored him and perpetuated this same negative intervention to accommodate the perpetrator.

97. The second action did not specify which student would be removed from the learning environment, leaving open the possibility that A.W. would again be the one targeted and penalized.

98. In June, A.W. told his father that white classmates held a mock slave auction at school, pretending to auction him off as a slave.

99. NRMS administrators were notified about the mock slave auction on or around June 18, 2024, but again failed to respond with any concrete action plan to ameliorate the school's hostile environment, minimize race-based bullying, or otherwise protect A.W.

100. The District allowed A.W. to end his eighth-grade year with this horrifying display of racism.

101. According to a former NRMS staff member, the interventions implemented after the April and June Harassment Forms were intended to mollify Mr. Walker. The District was indifferent as to whether these interventions actually protected or benefited A.W.

102. Throughout the school year, Mr. Walker would frequently contact NRMS administrators, including Defendants Cohen and Costello, to ask why the racialized bullying was continuing and what the school was doing about it.

103. During one meeting, Mr. Walker asked why Defendant Cohen and NRMS were covering up the racial bullying and sweeping it under the rug. Defendants did not respond to these questions.

104. Instead, NRMS continued to characterize A.W. as impulsive, problematic, and not the type of student who should be at the school.

105. A.W. was irreparably impacted by the racism, bullying, and harassment he experienced at NRMS, and the District's failure to adequately protect him.

106. Because of the racial bullying and harassment, A.W. did not want to be at school, and his academics suffered. His grades plummeted throughout the 2023–2024 school year.

III. 2024–2025 School Year

107. A.W. was a ninth-grade student at Nauset Regional High School for the 2024–2025 school year.

108. A.W. remained on an IEP for his ADHD.

109. His health, academic performance, and socialization improved throughout the year now that he was no longer at NRMS.

110. A.W.'s ninth grade teachers described him as enthusiastic about school, noting he really likes learning. They also reported that A.W. made significant progress during his ninth-grade year.

111. A.W. participated in football, wrestling, and track, as well as the Debate Club. He enjoyed culinary arts and woodworking classes. He prided himself on helping with his younger siblings and doing chores around the house. A.W. told school administrators that he hoped to attend college and participate in collegiate wrestling.

112. However, despite A.W.'s improvements, he continued to be weighed down by the

traumatic effects of the racial bullying and harassment that he experienced.

113. His 2025 IEP assessment noted that A.W.’s feelings of trust, belonging, and safety in school were compromised.

114. Mr. Walker pursued a psychological assessment to address these concerns. Mr. Walker wanted expert information about how bullying and racial trauma had affected A.W. emotionally, which would assist him in ensuring that A.W. had the appropriate services and supports in place to succeed in school.

115. Toward the end of the multi-day psychological assessment, conducted in July 2025, A.W. began crying, expressing that he wanted the session to end and didn’t want to talk about his bullying experiences anymore. As a result, the doctor was unable to fully complete the assessment.

116. In his Psychological Test Report, the doctor concluded that A.W. suffered significant psychological trauma because of the pervasive racialized bullying and harassment by peers at NRMS—harm made worse by the District’s failure to protect him.

117. The doctor found that although A.W. indicated a desire to “move on” and declined to continue discussing his bullying, A.W.’s avoidance was not evidence of resolution, but rather a normal protective response consistent with continued, unresolved harm. A.W.’s silence functioned to shield him from re-experiencing anxiety, shame, and distress, and to protect him from the risk of further invalidation by yet another adult whom he could not be certain would respond differently than those who had failed him before.

IV. Current School Year

118. Today, A.W. begins his eleventh-grade year at Nauset Regional High School.

119. Approximately 78% of his classmates are white, and only 7% are Black.⁵

120. A.W. remains subject to Nauset Regional School District's policies and procedures, including the District's Bullying Prevention and Intervention Plan, which is woefully deficient. *See infra* Section V.B.

121. A.W. continues to be cautious and distrustful around certain people, particularly white adults in positions of power and many of his white classmates.

122. He does not talk about the bullying he suffered with his siblings, as he does not want to scare them.

123. Despite the weight of his experiences, A.W. continues to work towards a happier and more hopeful future.

V. District's Hostile Environment of Systemic Racism

A. *District's Widespread Practice and Custom of Failing to Adequately Address Identity-Based Bullying and Harassment*

124. During the relevant time period, the District had a widespread practice and custom of failing to adequately address identity-based bullying and harassment, including racial bullying.

125. A former NRMS staff member indicated that the District did not adequately encourage school staff and administrators to address racial bullying, and often failed to adequately discipline those who did not address it.

126. Per M.G.L. c. 71, § 37O(d)(1), the District had a written Bullying Prevention and Intervention Plan. The Plan, however, was both statutorily inadequate and not followed in practice. *See infra* Section V.B.

⁵ These numbers are estimates based on 2025–2026 school year data. *School and District Profiles: Enrollment Data*, Mass. Dep't of Elementary & Secondary Educ., <https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=06600505&orgtypecode=6&&fycode=2026> (last visited Aug. 31, 2026).

127. During the 2023–2024 school year, several staff members requested additional training on racial discrimination, bullying, and civil rights. Defendant Cohen refused to implement this requested training.

128. Moreover, A.W. was not the only student who experienced identity-based bullying at NRMS during the relevant time period. A former staff member confirmed that numerous other students of color experienced peer racial bullying.

129. The District scrutinized victims of identity-based bullying and frequently discredited students of color.

130. Numerous other incidents of race-based bullying at NRMS have been exposed to the public.⁶

131. For example, in January 2024, an Asian-American student at NRMS experienced homophobic cyberbullying on the heels of numerous racial bullying incidents. His mother wrote to the Superintendent, who never responded, and asked a counselor whether her son could be protected from bullies in his classes and on his bus. NRMS administrators instead offered to move him to another sports team—imposing consequences on the victim rather than the bullies. Without meaningful District action, the student was forced to leave NRMS.

132. In winter 2024, four Black eighth graders were not selected for the boys' basketball team, raising parental concerns about race-based exclusion.⁷ One parent emailed Defendant Cohen, who responded by acknowledging that bias exists in NRMS.

133. Bullying incidents generally lead to disciplinary action against the aggressor. But

⁶ See, e.g., Ryan Bray, *Reported Incidents Shed Light on Racial Bullying*, Cape Cod Chron. (Jan. 8, 2025) <https://capecodchronicle.com/articles/2150/view/reported-incidents-shed-light-on-racial-bullying>.

⁷ See *id.*

racial bias in the District's response to student conflict and other issues produces unequal disciplinary outcomes.

134. Massachusetts Department of Education data shows that at NRMS in 2023–2024, Black students were disciplined at nearly three times the rate of white students.⁸

135. One of Mr. Walker's other children, currently an NRMS student, was the victim of physical bullying by white peers during the 2025–2026 school year. Rather than support her, NRMS suspended her.

136. Mr. Walker has repeatedly raised race-based bullying and racialized discipline affecting his children with Defendant Costello, without any meaningful response.

137. According to a former NRMS staff member, staff who advocated for A.W. or requested accountability measures to mitigate identity-based bullying faced adverse action or significant pushback from the District.

138. For example, the District often excluded Ms. Newell from meetings about A.W. because she advocated for him. The District ultimately transferred her to Nauset Regional High School.

139. Defendant Cohen disparaged and berated a special education teacher who repeatedly brought bullying incidents to his attention.

140. Defendant Cohen also intimidated a special education coordinator who supported the special education teacher. The District eliminated the coordinator's position after he filed a hostile work environment complaint with the District's Human Resources Department.⁹

⁸ *School and District Profiles: 2023-24 Student Discipline Data Report, supra.*

⁹ *See Bray, supra.*

B. *District's Violations of Massachusetts Anti-Bullying Law*

141. The Massachusetts Anti-Bullying Law requires all school districts to develop, adhere to, and update a plan to address bullying prevention and intervention. M.G.L. c. 71, § 37O(d)(1).

142. The District's Bullying Prevention and Intervention Plan¹⁰ violates numerous requirements of the Massachusetts Anti-Bullying Law on its face and as applied to A.W.'s bullying incidents.

143. The statute identifies race as one of the characteristics that may make a student more vulnerable to bullying, and requires that a district's plan outline specific steps to support such students. M.G.L. c. 71, § 37O(d)(3).

144. The District's Bullying Plan does not acknowledge certain vulnerable students nor provide specific steps to support them.¹¹

145. Accordingly, A.W. did not have the required plans in place to be safe at school.

146. The statute also requires that each district's plan include "clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection." M.G.L. c. 71, § 37O(d)(2)(vi).

147. The District's Bullying Plan provides no such clear procedures.¹²

148. Additionally, in A.W.'s case, the District failed to implement an adequate Safety Plan or other protective measures to restore A.W.'s sense of safety, assess necessary protections,

¹⁰ See Nauset Pub. Schs., *Students' Rights and Responsibilities Handbook 2025-2026*, at 25–29, https://docs.google.com/document/d/1HOSTrQkbryX07_xLES_HCUNm0d8ZNtVn/ (last visited Aug. 31, 2026). No plan for the 2023–2024 school year is publicly available online.

¹¹ See *id.*

¹² See *id.*

or shield A.W. from further bullying, leaving him without the statutorily required protection.

149. The statute requires “clear procedures for students, staff, parents, guardians and others to report bullying or retaliation.” M.G.L. c. 71, § 37O(d)(2)(ii).

150. The District’s Bullying Plan states the need for an anonymous student reporting procedure, but then pushes off that duty onto each school within the District.¹³ The Plan says nothing about reporting procedures for staff, parents, or guardians.

151. Moreover, NRMS’s reporting procedure was inadequate in practice. For example, NRMS knew A.W. was not using the Google document to report incidents yet took no corrective action.

152. The statute requires that a school district’s plan must “include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying.” M.G.L. c. 71, § 37O(d)(4).

153. The District’s Bullying Plan only provides for “annual training . . . for school employees and volunteers who have significant contact with students.”¹⁴

154. The District failed to adequately train teachers and staff to identify, report, and respond to identity-based bullying.

155. The District failed to create an environment where teachers and staff were empowered and expected to act when such bullying occurred.

156. These failures directly contributed to the hostile educational environment that A.W.

¹³ *See id.* at 27.

¹⁴ *Id.* at 28.

was forced to endure.

157. The statute requires that upon receipt of a report of bullying, the principal “shall promptly conduct an investigation.” M.G.L. c. 71, § 37O(g).

158. The District’s Bullying Plan sets a fourteen-day deadline for completing investigations.¹⁵

159. NRMS did not comply with this obligation for prompt investigation.

160. NRMS did not issue a determination on A.W.’s bullying incidents until far after the allotted period, and not until after his suicide attempt. For example, there were over five months between the October incident targeting A.W. and the April Harassment Form.

161. The statute requires each school district to annually report bullying incident data to the Massachusetts Department of Education, including the number of reported allegations of bullying. M.G.L. c. 71, § 37O(k).

162. Data from the 2023–2024 school year suggests the District significantly underreported allegations of bullying.

163. The District reported only two allegations of bullying or retaliation that year,¹⁶ but A.W. alone raised more than two allegations.

CLAIMS FOR RELIEF

COUNT I

Hostile Educational Environment, 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)

Against Nauset Regional School District and Nauset Regional School Committee

¹⁵ *See id.*

¹⁶ *Bullying Allegations by District SY24*, Mass. Dep’t of Elementary & Secondary Educ., <https://www.doe.mass.edu/infoservices/reports/bullying/sy24-bullying-allegations.xlsx> (last visited Aug. 31, 2026); *see also Bullying Allegations*, Mass. Dep’t of Elementary & Secondary Educ. (July 28, 2026), <https://www.doe.mass.edu/infoservices/reports/bullying/default.html>.

164. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

165. Title VI of the Civil Rights Act of 1964 provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d.

166. Nauset Regional School District receives federal funding.

167. A school is liable under Title VI if (1) a student is subject to severe, pervasive, and objectively offensive harassment by a peer on the basis of race, color, or national origin; (2) the harassment caused the plaintiff to be deprived of educational opportunities or benefits; (3) the school knew of the harassment; (4) the harassment occurred in its programs and activities; and (5) the school was deliberately indifferent to the harassment such that its response (or lack thereof) is clearly unreasonable in light of the known circumstances. *See Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 633, 648, 650–52 (1999) (allowing plaintiff’s Title IX complaint to proceed); *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 286 (1998) (stating that Title VI and Title IX “statutes operate in the same manner”).

168. A.W. experienced severe, pervasive, and objectively offensive racial harassment spanning at least from October 2023 to June 2024.

169. This peer bullying and harassment was because of A.W.’s race, as evidenced by language—e.g., use of the N-word, calling him a “slave monkey”—and actions—e.g., making a whipping motion toward him. This was not ambiguous or generalized bullying; it was targeted racial degradation.

170. The race-based harassment was so intense and persistent that it deprived A.W. of

educational opportunities and benefits. For example, A.W. suffered from declining grades, hospitalization that kept him out of school for seven days, a debilitating fear of attending school, placement in alternative programming, and removal from classes—all of which impacted his academic performance, opportunity, self-esteem, safety, dignity, and future.

171. The District had actual knowledge of the extreme, ongoing race-based bullying that A.W. suffered.

172. NRMS staff and administrators were made aware of certain bullying incidents the day of or the day after they occurred.

173. Many such incidents were documented in NRMS's April and June Bullying Reports, in which NRMS made two formal findings that A.W. was being harassed.

174. Several aggressor students admitted to racial harassment during interviews with NRMS staff, and A.W. repeatedly voiced concerns with NRMS both before and after his suicide attempt.

175. The District's hired assessor who completed a Functional Behavioral Assessment found that the school was misidentifying A.W. as the problem while ignoring his peers' conduct.

176. The District failed to take reasonable actions in response to A.W.'s race-based harassment.

177. A.W. told hospital staff that "the school knows and is not doing much about it."

178. For example, NRMS's Safety Plans imposed minimal and belated changes, primarily moving A.W. into different classes, and which in some cases burdened A.W. rather than the aggressors.

179. Even after A.W. attempted suicide, students continued to racially harass him, exemplifying how the school failed to take action to protect A.W. while at his most vulnerable.

180. The District flagrantly violated numerous provisions of the Massachusetts Anti-Bullying Law, M.G.L. c. 71, § 37O.

181. Accordingly, through the acts and omissions described above, the District was deliberately indifferent to A.W.’s race-based harassment in violation of 42 U.S.C. § 2000d *et seq.*

182. As a direct and proximate result of these violations, Plaintiffs have suffered and continue to suffer monetary and non-monetary damages, including but not limited to physical, emotional, and psychological harm, and detriment to A.W.’s education.

COUNT II

Violation of the Equal Protection Clause, 42 U.S.C. §1983 Against Nauset Regional School District, Nauset Regional School Committee, and all Individual Defendants in their Official Capacity

183. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

184. The Equal Protection Clause of the Fourteenth Amendment requires that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

185. A plaintiff may bring suit for an equal protection violation under 42 U.S.C. § 1983, which provides a private right of action against any person who, under color of law, deprives another of “any rights, privileges, or immunities secured by the Constitution and laws.” *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 252 (2009) (quoting 42 U.S.C. § 1983).

186. To hold a government actor liable under § 1983, a plaintiff must show that the violation was the result of a municipal “policy or custom.” *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978). A municipal “policy or custom” may be established by an express policy, a widespread practice so permanent and well-settled as to constitute law, a failure to train or

supervise amounting to deliberate indifference, or a decision by a final policymaker. *See id.* at 691; *Pembaur v. City of Cincinnati*, 475 U.S. 469, 480–83, 485 (1986) (holding government may be held liable under § 1983); *City of Canton v. Harris*, 489 U.S. 378, 388–92 (1989) (establishing deliberate indifference rule).

187. The District and its employees had a widespread practice of minimizing race-based harassment experienced by students of color, scrutinizing and questioning victims of race-based bullying, disciplining students of color students at a higher rate than white students, discrediting or disparaging staff who called attention to identity-based bullying, and discouraging reporting of race-based bullying.

188. The District failed to properly train its staff about race-based bullying. It refused to implement supplemental training on racial discrimination, bullying, and civil rights despite staff requests, and despite knowing the pervasiveness of discriminatory bullying and harassment issues at NRMS.

189. The District and its employees denied A.W. equal protection of the laws, treating him differently because of his race by, among other actions, systematically discrediting his reports of bullying and harassment; directing behavioral interventions at A.W. rather than his white aggressors; and refusing to protect A.W. despite actual, documented knowledge of multiple race-based bullying incidents.

190. Upon information and belief, white classmates received a different reception to like events.

191. Therefore, for the reasons set forth above, all Defendants violated A.W.'s rights under the Equal Protection Clause.

COUNT III

**Violation of the Due Process Clause, 42 U.S.C. §1983
Against Nauset Regional School District, Nauset Regional School Committee, and all
Individual Defendants in their Official Capacity**

192. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

193. The Fourteenth Amendment’s Due Process Clause provides that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

194. A state is liable for a due process violation under the state-created danger doctrine if: “(1) [] a state actor or state actors affirmatively acted to create or enhance a danger to the plaintiff; (2) [] the act or acts created or enhanced a danger specific to the plaintiff and distinct from the danger to the general public; (3) [] the act or acts caused the plaintiff’s harm; and (4) [] the state actor’s conduct, when viewed in total, shocks the conscience.” *Irish v. Fowler*, 979 F.3d 65, 75, 80 (1st Cir. 2020) (allowing plaintiff’s due process claim to proceed). Deliberate indifference, violation of state law, or violation of proper procedures and training may shock the conscience. *Id.* at 74–75.

195. The District and its employees affirmatively acted to enhance a danger to A.W. by normalizing racial bullying that occurred at NRMS, condoning aggressors’ behavior, questioning and scrutinizing A.W.’s reporting, implementing inadequate Safety Plans, discrediting or disparaging staff who stood up for A.W., and disregarding staff interviews about the bullying A.W. was experiencing.

196. The District’s and its employees’ actions created a distinct danger to A.W., who

was in their care at NRMS, and caused him significant harm.

197. The District acted with deliberate indifference. *See supra* Count I.

198. The District violated Massachusetts Anti-Bullying Law, M.G.L. c. 71, § 37O, both facially and as applied to A.W.

199. Therefore, for the reasons set forth above, all Defendants violated A.W.’s rights under the Due Process Clause.

COUNT IV

Violation of the Massachusetts Student Anti-Discrimination Act, M.G.L. c. 76, § 5 Against Nauset Regional School District and Nauset Regional School Committee

200. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

201. The Massachusetts Student Anti-Discrimination Act provides that: “No person shall be excluded from or discriminated against . . . in obtaining the advantages, privileges and courses of study of [a] public school on account of race, color, sex, gender identity, religion, national origin, immigration or citizenship status, disability or sexual orientation.” M.G.L. c. 76, § 5.

202. Nauset Regional School District is a public school district and an instrumentality of the Commonwealth. Its administrators and staff acted under color of state law at all relevant times.

203. A.W. experienced differential treatment and discriminatory harassment because of his race before and after his suicide attempt, which he stated was “100%” because of the racial bullying at NRMS.

204. The District tolerated and condoned this racial discrimination.

205. The District had actual knowledge of A.W.’s race-based bullying and failed to take

appropriate, reasonable action to ameliorate the issue. The District allowed for an environment where racism proliferated and was either swept under the rug or unpunished.

206. The District's failure to address this known racial discrimination, as well as the District's affirmative actions that perpetuated the discrimination, denied A.W. the privileges of a public education.

207. This constitutes a violation of the Massachusetts Student Anti-Discrimination Act, M.G.L. c. 76, § 5.

COUNT V

Violation of the Massachusetts Civil Rights Act, M.G.L. c. 12, § 11I Against Defendant Cohen, Defendant Ciliberto, and Defendant Costello in their Personal Capacity

208. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

209. The Massachusetts Civil Rights Act proscribes any person from interfering, or attempting to interfere, by threats, intimidation, or coercion, with another person's exercise or enjoyment of their rights secured by the U.S. Constitution or state or federal laws. M.G.L. c. 12, §§ 11H–11I.

210. "Intimidation involves putting in fear for the purpose of compelling or deterring conduct." *Planned Parenthood League of Mass., Inc. v. Blake*, 417 Mass. 467, 474–75 (1994) (citation modified) (finding element satisfied).

211. Coercion is "the application to another of such force, either physical or moral, as to constrain him to do against his will something he would not otherwise have done." *Id.* at 474.

212. A.W. has the right to equal educational opportunity. 20 U.S.C. § 1701 *et seq.*; M.G.L. c. 76, § 5.

213. A.W. also has the right to be free from racial discrimination. U.S. Const. amend. XIV; 42 U.S.C. § 2000d (Title VI); M.G.L. c. 76, § 5; 603 CMR 26.03(4).

214. Defendants Cohen, Ciliberto, and Costello—who served as Principal and Assistant Principals at NRMS during A.W.’s eighth grade year—enabled racial bullying, harassment, and a hostile environment, which interfered with A.W.’s rights to equal educational opportunity and to freedom from discrimination.

215. Defendants Cohen, Ciliberto, and Costello dissuaded the creation of adequate Safety Plans and the implementation of other actions to protect A.W.

216. Defendants Cohen, Ciliberto, and Costello minimized A.W.’s harassment in Bullying Forms.

217. Defendants Cohen, Ciliberto, and Costello facilitated an environment where, because of his race, A.W.’s reporting was questioned as inaccurate or unreliable.

218. In other instances, they scrutinized and discredited additional victims of identity-based bullying and did not properly investigate white aggressors.

219. Defendants Cohen, Ciliberto, and Costello intimidated and threatened NRMS staff who advocated for A.W., including through termination, transfer, discrediting, and disparagement and humiliation in front of fellow staff members.

220. Defendants Cohen, Ciliberto, and Costello deterred School staff and administrators who wanted to take action from addressing racial bullying.

221. They discouraged reporting of racial harassment incidents.

222. Defendants Cohen, Ciliberto, and Costello refused to implement additional trainings on discrimination, harassment, or civil rights despite staff requests.

223. Accordingly, Defendants Cohen, Ciliberto, and Costello violated the Massachusetts

Civil Rights Act, M.G.L. c. 12, § 11I.

COUNT VI

Violation of the Massachusetts Constitution, Article I Against Nauset Regional School District and Nauset Regional School Committee

224. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

225. Article I of the Massachusetts Constitution states that “[e]quality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.” Mass. Const. art I.

226. The guarantees under the Massachusetts Constitution’s Equal Protection Clause are at least as protective as, or more protective than, the Fourteenth Amendment’s Equal Protection Clause. *See, e.g., Goodridge v. Dep’t of Pub. Health*, 440 Mass. 309, 313 (2003).

227. The District treated A.W. differently because of his race by systematically discrediting his reports of bullying and harassment; directing behavioral interventions at A.W. rather than his white aggressors; and refusing to protect A.W. despite actual, documented knowledge of multiple race-based bullying incidents.

228. The constitutional magnitude of the harm suffered is not fully remedied by available statutory claims, and A.W. and Mr. Walker therefore assert this claim under Article I.

COUNT VII

Violation of the Massachusetts Constitution, Part II, Chapter 5, Section 2 Against Nauset Regional School District and Nauset Regional School Committee

229. Plaintiffs incorporate and re-allege the allegations stated in the previous paragraphs as if fully stated herein.

230. All children in the Commonwealth have a right to an adequate education. *See*

McDuffy v. Sec’y of the Exec. Off. of Educ., 415 Mass. 545 (1993); *see also* Mass. Const. pt. II, c. 5, § 2 (education clause).

231. The District tolerated and perpetuated a racially hostile environment.

232. The District’s knowing failure to properly address A.W.’s racial harassment that spanned more than an entire school year effectively denied A.W. the right to an adequate and safe education.

233. The constitutional magnitude of the harm suffered is not fully remedied by available statutory claims, and A.W. and Mr. Walker therefore assert this claim under the Commonwealth’s education clause.

PRAYER FOR RELIEF

Wherefore the Plaintiffs respectfully request that the Court grant the following relief:

- A. The judgment be entered for them and against Defendants;
- B. That Plaintiffs be compensated for all losses as a result of Defendants’ unlawful acts;
- C. That Plaintiffs be awarded an amount of money that will fairly compensate them for the physical, emotional, and dignitary pain and suffering caused by Defendants’ unlawful acts;
- D. That Defendant Nauset Regional School District implement systemic changes to its policies, practices, procedures, and trainings to remedy the racially hostile environment;
- E. That Defendant Nauset Regional School District update its Bullying Prevention and Intervention Plan to comply with M.G.L. c. 71, § 37O;
- F. That Defendants pay Plaintiffs’ costs and attorneys’ fees resulting from this action;
- G. That Defendants pay Plaintiffs interest on any judgment as provided by law;
- H. That Defendants be ordered to pay Plaintiffs liquidated, multiple, and/or punitive damages, to the extent such damages are available; and

- I. That the Court order such other relief, including injunctive relief, as may be just and proper.

Dated: September 8, 2026

By their attorneys,

/s/ Brooke Simone

Brooke Simone (BBO #718168)

Mirian Albert (BBO #710093)

Lawyers for Civil Rights

61 Batterymarch Street, 5th Floor

Boston, Massachusetts 02210

(617) 482-1145

bsimone@lawyersforcivilrights.org

malbert@lawyersforcivilrights.org