

supervise administrators, faculty and staff to adequately protect the welfare and safety of students and/or report instances of abuse.

8. Defendants were deliberately indifferent to their knowledge that Plaintiff was suffering mental and physical injuries as a result of their custom, policies, and practices. Defendants continued their abusive and illegal course of action despite this knowledge and despite the warning from The Legal Center investigator that they must cease these practices because they were violating Colorado and federal law. Defendants' conduct was so obviously violative of Plaintiff's rights and Plaintiff's resulting injuries so severe that it is shocking to the conscience.
9. Defendants' conduct under color of law proximately caused the deprivation of Plaintiff's federally protected rights and her resulting grievous injuries. Defendants' conduct was done willfully and wantonly and/or with reckless disregard of Plaintiff's rights and feelings.
10. Plaintiff continues to suffer the results of the extensive abuses she was subjected to by Defendants.
11. This is an action for damages and other relief arising under the United States Constitution and the laws of the United States.

## **II. JURISDICTION AND VENUE**

12. This action arises under the Constitution and the laws of the United States, and is brought pursuant to Title 42 U.S.C. § 1983, 29 U.S.C. § 794(a), and 42 U.S.C. § 112131. Jurisdiction is conferred on this Court pursuant to 42 U.S.C. § 1983, and 28 U.S.C. § §

able to stay on task, and not being able to pay attention. Plaintiff's actions, for which she was punished, were all characteristics of her disabilities and occurred because of those disabilities.

99. Defendants' actions and/or omissions, as described herein, were taken in accordance with Pueblo School District 60's custom and/or policy, or were ratified by Pueblo School District 60 such that the District adopted such practices, customs, or policies.
100. As a direct and proximate result of the actions described above, Plaintiff sustained actual damages, including injuries to her person, pain, severe and grievous mental and emotional suffering, humiliation, shame, embarrassment, worry, fear, anguish, shock, nervousness and anxiety as well as future damages as alleged in paragraphs 74 and 75, in an amount to be ascertained according to proof at trial.
101. The acts and/or omissions of Defendants were conducted within the scope of their official duties and employment and under color of law.
102. Pueblo School District 60 knew or reasonably should have known about the abusive practices with respect to Plaintiff and other students. The abusive and unconstitutional practices Defendants regularly undertook are so well settled as to constitute a custom or usage in the District. Yet, Pueblo School District 60 failed to take any affirmative actions to provide for the safety and well being of young children with disabilities in Defendants' care, including Plaintiff.
103. Defendants' actions, as described above, were objectively unreasonable, willful and wanton, and shocking to the conscience in light of the facts and circumstances