

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SHEILA GOUDEAU

CIVIL ACTION NO.: 10-303

VERSUS

JUDGE: \_\_\_\_\_

EAST BATON ROUGE PARISH  
SCHOOL BOARD, PRINCIPAL  
SHILONDA SHAMLIN, INDIVIDUALLY  
AND IN HER OFFICIAL CAPACITY,  
SUPERINTENDENT JOHN DILWORTH  
IN HIS OFFICIAL CAPACITY, CHARLOTTE  
PLACIDE INDIVIDUALLY AND IN HER  
OFFICIAL CAPACITY

MAGISTRATE-JUDGE: \_\_\_\_\_

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COMPLAINT

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**NOW INTO COURT**, through undersigned counsel, comes petitioner, Sheila Goudeau, a resident of the full age of majority of the parish of Livingston, State of Louisiana, who, with respect, represents that:

1.

The following parties are made defendants herein:

- A) **EAST BATON ROUGE PARISH SCHOOL BOARD**, is a political subdivision of the State of Louisiana and is domiciled in East Baton Rouge Parish, State of Louisiana;
- B) **SHILONDA SHAMLIN**, individually and in her official capacity as Principal of Riveroaks Elementary School, and is a domiciliary of the full age of majority of the Parish of East Baton Rouge, State of Louisiana;

C) **JOHN DILWORTH**, in his official capacity as the successor Superintendent of the East Baton Rouge Parish School Board, and is a domiciliary of the full age of majority of East Baton Rouge Parish, Louisiana.

D) **CHARLOTTE PLACIDE**, individually and in her official capacity as Superintendent of the East Baton Rouge Parish School Board, and is a domiciliary of the full age of majority of East Baton Rouge Parish, State of Louisiana.

2.

The defendants named in Paragraph One are indebted to petitioner, jointly, severally and in solido, for all such damages as are reasonable in the premises, punitive damages as allowed by law, attorney's fees, all costs of these proceedings, interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity, for the following, to wit:

3.

Jurisdiction is founded herein pursuant to 28 U.S.C. 1331 (federal question) and 28 U.S.C. 1367, affording supplemental jurisdiction over Petitioner's claims arising under state law. Venue is proper in this judicial district as the acts and transactions complained of herein occurred within this judicial district.

4.

Sheila Goudeau (hereinafter referred to as "Petitioner") has been a teacher for approximately twenty (20) years and is currently a fourth grade teacher at Villa Del Rey Elementary School in East Baton Rouge Parish.

5.

Petitioner taught at Riveroaks Elementary School (hereinafter referred to as "Riveroaks") in East Baton Rouge Parish from September of 2001 until May of 2009, for a total of eight (8) years. Defendant, Shamlin, became the principal at Riveroaks in August of 2005. At all times pertinent hereto, defendant, Shamlin, was the Principal of Riveroaks and petitioner's supervisor. At all times pertinent hereto, defendant, Placide was the Superintendent of the East Baton Rouge Parish School Board and also petitioner's supervisor. At all times pertinent hereto, petitioner was a tenured employee with the defendant, East Baton Rouge Parish School Board.

6.

At the end of the 2007-2008 school year, defendant, Shamlin, requested that petitioner begin teaching fourth grade to raise the LEAP scores due to petitioner's prior history of attaining higher scores on the I-LEAP test. Accordingly, petitioner began teaching fourth grade in August of 2008.

7.

During the time at issue in this Complaint, under East Baton Rouge Parish School Board's policy, if a student earned a grade within the range of zero percent (0%) to sixty-nine percent (69%), then he or she received an "F" grade. Furthermore, if a student earned a grade within the range of seventy percent (70%) to seventy-seven percent (77%), then he or she received a "D" grade.

8.

On or about April 28, 2009, the fourth grade teachers at Riveroaks, Plaintiff, Beth Risinger, Janet Baynard, and Juliette Phillips, met for planning day at around 8:30 a.m.

in the library. The meeting was later moved to the classroom of Mrs. Phillips. Defendant, Shamlin, arrived at the meeting at around 2:00 p.m., at which time she and the teachers began discussing and addressing the daily concerns, topics, and issues that are handled on planning days.

9.

During the meeting, defendant, Shamlin, informed the teachers that they could not, under any circumstances, assign any student any grade lower than a sixty percent (60%) when averaging a student's grade. According to defendant, Shamlin's instructions, even if a student earned a thirty-eight percent (38%) on an exam, the teacher must still submit a "D" as that student's grade on his or her report card, regardless of the fact that the student did not earn that grade.

10.

To rationalize and validate her grading policy, which is in direct contravention with the policy implemented by the East Baton Rouge School Board, defendant, Shamlin, utilized the following hypothetical example at the meeting. Defendant, Shamlin, advised the teachers to imagine a student, who for all practical purposes, is normally a "C" average student. She then told them to envision the student receiving a thirty-eight percent (38%) on an exam. Pursuant to defendant, Shamlin, since a thirty-eight percent (38%) would be hard to bring back up to that student's normal "C" average, he or she should receive a "D" instead, disregarding the fact that the student did not earn a "D".

11.

Defendant, Shamlin, further stated that if a student does not fail the LEAP test, then he or she will pass on to fifth grade, whether or not he or she earned high enough grades in class to do so. Defendant, Shamlin, reasoned that if the student passes the LEAP test, then he or she is obviously good enough and qualified enough to handle fifth grade school work.

12.

At the same grade level meeting, defendant, Shamlin, adamantly directed the fourth grade teachers to assign a "D" to students who were definitely not going to pass fourth grade and not to fail a student who has even the slightest chance of passing the LEAP test. In continuing with this line of thinking, defendant, Shamlin, further instructed the teachers present that no students should be given an "F" but a "D" instead, as they could pass the LEAP test given during the summer in the off chance that they fail to pass the LEAP test given during the school year.

13.

Defendant, Shamlin, took her directive a step further by instructing the teachers to assign a "D" grade to students who had failing grades and would almost certainly fail both the Spring and Summer LEAP exams, stating that the LEAP test would catch him or her if he or she was truly meant to fail and be held back in fourth grade.

14.

In effect, defendant, Shamlin, who by law shall not attempt, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his teacher, was forcing Riveroaks' teachers to assign passing grades to their students,

notwithstanding whether those were the grades the students earned, so those students would move on to fifth grade as long as they passed the LEAP test administered during the Spring or Summer.

15.

Verbal communication was not the only method defendant, Shamlin, used to implement her directives. In addition to verbally directing teachers to illegally alter grades, she posted on the school's website and issued three (3) "Monday Memos" to all of the teachers at Riveroaks with the following directives: (1) "All grades recorded in your roll book should range from 100% to 60%," (2) "In the best interest of our students, we don't assign "F" grades until the final nine weeks;" and again (3) "In the best interest of our students, we don't assign "F" grades until the final nine weeks."

16.

Louisiana Revised Statute 17:414.2(a) prevents any school board member, principal, or other administrative staff members of the school or the central staff of a parish or city school board from attempting, directly or indirectly, to influence, alter, or otherwise affect the grade received by a student from his teacher except as specifically permitted by law.

17.

Under Louisiana Revised Statute 17:414.2(b)(1), a teacher's determination of a student's grade as a measure of the academic achievement or proficiency of the student shall not be altered or changed in any manner by any school official or employee other than the teacher except as provided by law.

18.

According to Louisiana Revised Statute 17:414.2(b)(2), a school official or employee having authority pursuant to formally adopted written rules and procedures adopted by the governing authority of the public elementary school to change a student's grade can take such action only upon it being determined that the grade is an error or that the grade is demonstrably inconsistent with the teacher's grading policy.

19.

Out of constant fear of being written up for insubordination or other baseless reason(s), Petitioner complied with defendant, Shamlin's, grading policy with certain limitations, even though she had verbally expressed that she did not agree with the policy or want to give passing grades to failing students. In petitioner's grade book, she would record the grade the student actually earned then list the grade the student received under defendant, Shamlin's, grading policy next to the correct grade. Several other teachers followed the same method.

20.

Petitioner was seriously concerned and suffered from anxiety over falsifying her grade book at the direction of the defendant, Shamlin.

21.

Furthermore, petitioner was constantly anxious and worried over the fact that the illegal alteration of students' grades misled the affected students and their parents into thinking they were passing and obtaining the required skills to proceed to fifth grade, when in reality those students were neither passing nor obtaining the requisite skills needed for the fifth grade.

22.

More importantly, students who advanced to fifth grade due to receiving passing grades under defendant, Shamlin's grading policy and to passing the LEAP test, almost certainly do not have the skills required to succeed in fifth grade. In most circumstances, if a student does not understand and/or learn the skills that are supposed to be attained in fourth grade, then that student will not have the ability to begin learning the skills that are taught in fifth grade. If that is the case, then petitioner would be held liable by those students' parents for not adequately preparing their children for fifth grade. This put extreme pressure and stress on petitioner.

23.

A teacher's determination of a student's grade as a measure of the academic achievement or proficiency of the student shall not be used in any manner as a basis for assessing or evaluating the teacher's performance except for grade changes occurring pursuant to the provisions of Louisiana Revised Statute 17:414.1.

24.

Petitioner advised defendant, Shamlin, that her directive was in violation of Louisiana law. Defendant, Shamlin, became irate with petitioner and told her that if she would not change the grades, petitioner would be forced to transfer to another school or be written up for unfounded and untruthful reasons, such as insubordination. If a teacher does not comply with a principal's directives, he or she may be written up for insubordination, which is the only reason petitioner complied. Petitioner believed defendant, Shamlin, would force her to transfer so she could replace petitioner with a teacher who would not object to changing grade because she had seen defendant,



Shamlin, do it to other teachers. Consequently, petitioner requested for and was granted a transfer to another school.

25.

Petitioner and other teachers at Riveroaks were very worried about defendant, Shamlin's, grading policy and the effects it would have, not to mention that altering grades is against state law. On several different occasions, plaintiff was forced to assign a "D" to a student who had without a doubt earned an "F" on her report card, passing a student who would have otherwise failed fourth grade. Petitioner requested that defendant, Shamlin, allow her to change that student's grade to the "F" she had actually earned because the difference between the assigned grade and the earned grade was so extreme. However, defendant, Shamlin, refused to allow petitioner to correct the grades. Petitioner was instructed that she should know students do not receive lower than a sixty percent (60%) "D."

26.

Contrary to the aforementioned law, once petitioner voiced to defendant, Shamlin, that she did not agree with or want to comply with defendant, Shamlin's grading policy, defendant, Shamlin, retaliated against petitioner by harassing and threatening her.

27.

Finally, the stress from defendant, Shamlin's, grading policy was causing petitioner to become too much for her to bear. In May of 2009, petitioner filed a grievance against defendant, Shamlin, for forcing teachers at Riveroaks to illegally alter the failing grades of students to passing. Petitioner hoped her filing the Grievance

would stop defendant, Shamlin, from forcing teachers to alter students' grades. However, defendant, Shamlin, continued to implement her grading policy and became infuriated with petitioner.

28.

Defendant, Shamlin's actions against petitioner include, but is not limited to the following:

- A) Defendant, Shamlin, unprofessionally charging into petitioner's classroom unannounced on numerous occasions and berating petitioner in front of a classroom full of her students for no rational reason to the point that other teachers commented that they did not understand why defendant, Shamlin, was harassing petitioner and disregarding the fact that a teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12;
- B) Although all teachers undergo evaluations by their school's principal, wherein the principal observes and evaluates a teacher's performance, defendant, Shamlin, would consistently observe petitioner's classroom on an almost daily basis, criticizing and finding fault with petitioner's teaching ability for unfounded reasons to the extent that petitioner started having panic attacks. This was done despite the fact that principals are required to respect the authority of teachers, as it is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools as provided in R.S. 17:416.18;
- C) Defendant, Shamlin, told petitioner to "shut up and not to open her mouth again" during a grade level meeting at which all four (4) of the fourth grade

teachers were present and heard the disrespectful command (see above provision regarding civility and respect);

- D) Defendant, Shamlin, directed petitioner to constantly drill the students with concepts when testing was not going on, by coming to petitioner's room every day after testing was completed, despite the requirement that teachers refrain from drilling students at that time;
- E) Defendant, Shamlin, did not allow petitioner to watch her students transition from her class to the next, leaving the students unsupervised, which caused major safety issues, even though petitioner was responsible and liable for the safety of her students as provided in R.S. 17:223 and R.S. 17:416;
- F) Defendant, Shamlin, did not allow petitioner to faithfully enforce the school courses of study, as required by R.S. 17:417, although petitioner was responsible for the progress and education of her students;
- G) Defendant, Shamlin threatened to fabricate facts against petitioner if she did not transfer to another school;
- H) Defendant, Shamlin, refused to give petitioner an adequate referral after promising her that she would do so; and
- I) Defendant, Shamlin, demanded petitioner to change grades of students who had failed.

29.

Petitioner has sustained damages reasonable in the premises for the following: her severe and extreme mental pain, suffering, and anguish; physical pain, suffering, and anguish; loss of sleep; loss of quality of lifestyle; loss of reputation and standing in

the community; humiliation and embarrassment; medical expenses; counseling; wages; loss of earning capacity; and such other damages as will be more fully shown at trial of this matter and all for which plaintiff specifically sues for herein.

30.

Defendant, Shamlin, forced petitioner to alter her students' grades. Once petitioner expressed that she did not agree with or want to comply with defendant, Shamlin's grading policy, and after she filed the grievance, defendant, Shamlin began harassing and threatening petitioner, causing serious medical problems.

31.

Petitioner had a heart condition that was kept under control through use of medication until October of 2008. Then, petitioner began having anxiety attacks resulting in her heart palpitations that increased to dangerously high levels, along with episodes of chest pains that caused her to go to the emergency room on at least one occasion. She also had blackouts that came at random times, such as when she was driving or in the middle of teaching her class.

32.

Due to the extreme stress and pressure petitioner was under because of defendant, Shamlin, petitioner's attacks increased in severity and frequency. As a result, petitioner has been forced to wear a heart monitor on several occasions to monitor her attacks and to schedule her for an ablation, a procedure that was supposed to drastically reduce petitioner's heart problems. However, due to the continuing stress and anxiety caused at work by defendant, Shamlin, and the fact that petitioner was in the process of filing a grievance against defendant, Shamlin, petitioner's condition

remained the same with no improvement. Consequently, petitioner may have to have the procedure redone. It is her cardiologist's medical opinion that petitioner's current heart condition is a direct result of the stress and anxiety she suffered at work at the hands of defendant, Shamlin, and during the grievance procedure, and continues to suffer during the filing of this suit. Moreover, petitioner has lost over thirty (30) pounds due to the stress and pressure caused by defendant, Shamlin.

33.

Furthermore, petitioner left Riveroaks every day extremely upset by what she was being subjected to, and, eventually, it got to the point where petitioner did not want to return to teaching. Due to defendant, Shamlin's behavior, petitioner's confidence in her ability to teach was severely damaged, although she was the only National Board Certified Teacher at Riveroaks and had been nominated to be teacher of the year.

34.

Defendants, East Baton Rouge Parish School Board and Placide knew defendant, Shamlin, was forcing petitioner and other teachers at Riveroaks to alter the grades of their students, as Petitioner filed a grievance against defendant, Shamlin, for forcing her to alter student grades. However, defendants, East Baton Rouge Parish School Board and Placide did nothing to prevent or stop it. Defendant, Dilworth ruled in favor of defendant, Shamlin in the grievance proceedings. Although defendant, Dilworth, determined that defendant, Shamlin, "failed to adhere to the Board approved grading scale outlined in the Pupil Progression Plan for the 2008-2009 school year" and that "several memos from the principal verify the aforementioned," he held that, after

extensive testimony, there was insufficient evidence to determine whether defendant, Shamlin, verbalized to a group of teachers to change their grades.

35.

Since April 28, 2009, and the filing of the grievance, petitioner has been continually subjected to harassments and to threats to her future employment by the defendants in retaliation for her protected activities and for her actively voicing her objection to defendant, Shamlin's, grading policy that violates state law.

36.

At all times pertinent hereto, defendants were "persons" acting under color of authority within the meaning and intent of 42 U.S.C. §1983.

37.

At all times pertinent hereto, plaintiff enjoyed clearly established rights to report official misconduct and refuse to engage in misconduct, specifically, the orders to change her grades, all as guaranteed pursuant to the 1<sup>st</sup> Amendment to the United States Constitution. Defendants' retaliation against petitioner, specifically, the harassment, the repeated threats to her future employment, among others, and refusing to give petitioner an adequate referral, abridged, impaired, and interfered with petitioner's clearly established rights under the 1<sup>st</sup> Amendment governing speech.

38.

At all times pertinent hereto, petitioner enjoyed clearly established rights to substantive due process under the 14<sup>th</sup> Amendment to the United States Constitution. The defendants abridged, impaired, and interfered with petitioner's clearly established rights as set forth herein, and sullied her good name and reputation.

39.

The defendants are liable unto petitioner pursuant to 42 U.S.C. §1983.

40.

Defendants acted with reckless and/or deliberate indifference to petitioner's clearly established rights. Defendants are liable unto petitioner for punitive damages pursuant to 42 U.S.C. §1983.

41.

Petitioner contends that defendant, East Baton Rouge Parish School Board, through their agents, representatives or assigns, engaged in reprisal(s) against her on account of her protests, reports, and testimony regarding a workplace act and practice, specifically, grade changing, that was in violation of the law. Hence, East Baton Rouge Parish School Board is liable unto petitioner pursuant to La. R.S. 23:967.

42.

Petitioner is entitled to and desires an award of attorney's fees against all defendants pursuant to 42 U.S.C. §1988. Petitioner is additionally entitled to and desires an award of attorney's fees against defendant, East Baton Rouge Parish School Board, pursuant to La. R.S. 23:967.

43.

Petitioner prays for all compensatory damages as are reasonable under the premises, including but not limited to: damages for past and future medical expenses; counseling; for past and future physical and mental pain, suffering and mental anguish; for disability; loss of quality of lifestyle; loss of sleep; loss of reputation and standing in the community; humiliation and embarrassment; together with legal interest thereon

from date of judicial demand, until paid, and all costs incurred herein due solely to the fault of the defendants. The amount of damages in question is sufficient to establish the jurisdiction of this court.

44.

Petitioner is entitled to and desires trial by jury of this matter.

**WHEREFORE**, Petitioner, Sheila Goudeau, prays for a trial by jury, that defendants be served with certified copies of this Complaint and duly cited to appear and answer same, and after all legal delays and due proceedings are had that there be judgment herein in her favor individually and against defendants, East Baton Rouge Parish School Board, Principal Shilonda Shamlin, individually and in her official capacity as Principal of Riveroaks Elementary School of the East Baton Rouge Parish School Board, and John Dilworth, in his official capacity as Superintendent of the East Baton Rouge Parish School Board, and Charlotte Placide, individually and in her official capacity as Superintendent of the East Baton Rouge Parish School Board, jointly, severally and in solido for all sums as are reasonable under the premises, punitive damages as allowed by law, attorney's fees, all costs of these proceedings, interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity, including injunctive relief, if required.

**PETITIONER HEREIN FURTHER PRAYS** for all necessary orders and for all general and equitable relief.



Respectfully Submitted:

*Craig S. Watson / electronically*

CRAIG S. WATSON, LSBA No. 14485

Attorney for Plaintiff

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Baton Rouge, LA 70816

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**PLEASE SERVE:**

**SHILONDA SHAMLIN**

Riveroaks Elementary School

950 Fontainebleau Drive

Baton Rouge, LA 70819

**EAST BATON ROUGE PARISH SCHOOL BOARD**

Through its Superintendent, John Dilworth

1050 South Foster Drive

Baton Rouge, LA 70806

John Dilworth

Superintendent of the East Baton Rouge Parish School Board

1050 South Foster Drive

Baton Rouge, LA 70806

Charlotte Placide

HOLD SERVICE AT THIS TIME

UNITED STATES DISTRICT COURT  
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MAGISTRATE-JUDGE: \_\_\_\_\_

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VERIFICATION

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STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE


BEFORE ME, Notary Public, personally came and appeared:

**SHEILA GOUDEAU**

a resident of the full age of majority of Livingston Parish, Louisiana, who upon being duly sworn did depose and state that she is the Plaintiff in the above and foregoing Petition, that she has read same and all facts and allegations contained therein are true and correct.

  
Sheila Goudeau

SWORN TO AND SUBSCRIBED before me, Notary Public, this \_\_\_\_ day of April, 2010.

  
Craig Watson