

STUDENT / PARENT COMPLAINT FORM – LEVEL ONE

Attachment containing responses to questions on district template

4. Please describe the decision or circumstances causing your complaint (give specific factual details).

Lack of supervision and care by staff members employed at Bee Cave Elementary that led to my son, Caleb Spann, being thrown and struck by his special education teacher on 10/29/2024, causing physical injury that resulted in substantial harm to my son as well as mental or emotional injury, both of which qualify as “abuse” and “neglect” per the Family Code, Sec. 261.001¹. This led to an ER visit at VIK Medical Care.

Caleb sustained significant bruising on his upper chest/ribs and small fingernail scratches, consistent with being yanked and struck with a blunt force object.

6. Please explain how you have been harmed by this decision or circumstance.

The harm to my child stems from multiple failures by school officials to uphold their duty of care, particularly towards students with disabilities. These breaches directly contributed to the abuse and neglect my child endured.

- 1) **Failure in Pre-Employment Screening:** Assistant Superintendent Susan Fambrough neglected the district's responsibility to conduct proper background checks on LTISD special education teacher, Rashid Mohagheghian in accordance with Board Policy DBAA (LOCAL). A public records search reveals Mohagheghian has two misdemeanor assault arrests in 2002 and 2010, which were not identified or acted upon during the pre-employment process. The district hired and employed this individual on a special education emergency permit.
- 2) **Failure to Follow Code of Ethics and Failure to Report a Felony:** The campus administrators, including the principal and assistant principal at BCE, failed to report the felony involving my child's unlawful restraint on 10/18/2024, as required by law and the Assistant Principal sent an email response to the parent defending the teacher's restraint method (c-clamp).
- 3) **Failure to Document Restraint:** In accordance with TEC §37.0021, the school was required to notify me on the same day my child was restrained on 10/29/2024 and provide written documentation. As of this grievance filing (11/12/2024), I have received neither notification nor any documentation.

¹ Sec. 261.001(1)(A), Sec. 261.001(1)(B) & Sec. 261.001(1)(C); Sec. 261.001(4)(A)(i), Sec. 261.001(4)(A)(ii)(a)(b)

- 4) **Physical and Emotional Harm:** TEC §37.0023 prohibits actions that cause physical or emotional harm, which occurred during the restraint and mistreatment of my child by special education teacher, Rashid Mohagheghian.

***Notes:** This occurred during the timeframe of 10/15/2024 and 10/31/2024. The inaction of the campus administrator to take parental concerns of physical and emotional harm seriously as reported on 10/18/2024 to AP Rida Ortego, which due to absences, was Mr. Mohagheghian's 2nd day with my son, allowed him to continue the abuse and ultimately led to the beating of my son on 10/29/2024, which was unjustified in its inception as there was no reasonable grounds for inflicting such malicious and sadistic violence upon my son, as he did not violate any of the rules or policies of the Student Code of Conduct prior to this occurring.*

- 5) **Delays in Video Release:** The Executive Director of Special Services and Assistant Superintendent of Curriculum & Instruction, Stefani Vickery, delayed releasing video footage to the LTISD police until after lawyers reviewed it, delaying the criminal investigation into the mistreatment and abuse my child endured. The campus police officer had enough to initiate an investigation based on the hallway footage showing Mohagheghian dragging my son by his wrist, but did not have enough concrete evidence without the classroom footage.
- 6) **Delays in Placing Teacher on Administrative Leave:** Once a report of educator misconduct is made, the district is required to investigate the allegations, ensuring that any educator involved in the misconduct is removed from contact with students pending the outcome of the investigation, especially if the allegations are serious (e.g., abuse or neglect). Mohagheghian was allowed to return to work on 10/30/2024 and 10/31/2024 at the direction of the campus principal in direct violation of TEC §37.0023, which prohibits actions that intentionally inflict physical or emotional discomfort before being placed on administrative leave, forcing my child to interact with the man who abused him.

***Notes:** When confirming the parent would wish to press charges on 11/1/2024, Officer Donnie Williamson stated that Mohagheghian failed to report to work after his lunch break on 10/29/2024 and 10/30/2024. He mentioned that Principal Kellner had attempted to call and text Mohageghian at least 6 times. This gave Ofc Williamson suspicion that Mohagheghian knew he was guilty of wrongdoing.*

Principal Kellner emailed me on 10/31/2024 in attempts to discourage me from returning to campus for a grade-wide event, "Wild Rumpus Day", stating that Caleb was not in control of his own body all morning. Considering that my son was forced by Principal Kellner's directives to interact with his abuser in the classroom where the abuse took place, merely two (2) days after an extremely violent attack occurred, it is not unusual to presume that my son would not be

able to control his body. After checking in and going to the SDC classroom, Room 408, I was initially denied access to eat lunch with my son by both APs, Rida Ortego and AP Ashley Nauta. Although my son did not pack his lunch that day, he was prohibited from leaving his classroom to go to the cafeteria to get a lunch tray, based on orders given from Principal Kellner to the APs that Caleb was not to be included in the grade-wide event or eat lunch in the cafeteria with his parent as every other first grader at BCE was permitted that day. I asked to speak with Principal Kellner directly to understand the basis of this decision, but she was unavailable as she was in an ARD meeting all morning. After vocalizing that this was a direct violation of my son's civil rights and blatant discrimination as all other parents of first graders were invited to BCE to eat lunch and attend the event, I was allowed to eat lunch with my son in his classroom, Room 408. I had to sit on the cold tile floor as there were no additional seating options available or offered, which seemed retaliatory for advocating for my son. My mom drove from Dallas, TX, 4 hours one-way, to meet me at BCE in case the campus administrator tried to keep my son from accessing the grade-wide event with his non-disabled peers. My son attended the "Wild Rumpus" event with his assigned general education class as the District sent several individuals, including the behavior specialist, Lisa Burns, and Stefani Vickery to observe my son at BCE.

- 7) **Refusal of Parental Access to Footage:** The district denied me the ability to view classroom footage from prior days, 10/18/2024, 10/21/2024, 10/23/2024 when my son was with Mohageghian, preventing me from fully understanding the timeline of abuse leading up to the incident that took place on 10/29/2024.

***Notes:** A formal request was made by sending the incident form on 11/1/2024 to the Executive Director for Special Services to view footage from 10/18/2024 and 10/29/2024. In person, when viewing the 10/29/2024 footage, the parent was told footage from 10/18/2024 was not available as the cameras in the classroom were not operational until 10/21/2024. When the parent sent an email request stating her intention to request footage from 10/21/2024 and 10/23/2024, Ms. Freeman replied that the cameras were not operational until 10/24/2024.*

- 8) **Failure to Inform Parents of Cameras:** In accordance with TEC § 29.022(a-3), the campus failed to notify parents of each student in regular attendance in the classroom or setting 10 days prior to the end of the 2023-24 school year, that operation of the video camera will not continue during the following school year 2024-25 unless a person eligible to make a request for the next school year under Subsection (a-1) submits a new request.
- 9) **Failure to Submit Mandatory Reporting:** Under TEC § 22.0512, educators are required to report any criminal convictions, arrests, or professional misconduct by other educators. This includes any arrests for offenses related to abuse or

neglect of a child, which must be reported to the TEA for possible suspension or revocation of the educator's teaching certification under TEC § 21.041. Although I reported to TEA, it is unclear if the superintendent notified SBEC in writing by filing a report within seven business days after the date the superintendent knew of the circumstances described above. *TEC § 21.006(c); 19 TAC 249.14(d).*

Notes: *As of 11/7/2024, the parent confirmed that TEA had not received a report from LTISD alleging educator misconduct. Superintendent Paul Norton published an internal notice to parents at BCE on 11/6/2024, which was provided to TEA.*

- 10) **Failure to Appropriately Train Teachers:** The untrained special education teachers, certified on an emergency permit, failed to recognize and report abuse during the incident on 10/29/2024, and lacked understanding of appropriate conduct with students. My son has been subjected to emotional abuse, including unauthorized seclusion and physical restraint in violation of TAC §89.1053.

In the previous school year as well as this school year, my son's teachers, paraprofessionals and administrators have used time-out as a form of entrapment, sitting in chairs in front of the classroom door blocking the only exit to prevent him from seeking help. This has occurred several times while my son has been in the SDC placement, most recently on 10/29/2024, when special education teacher Rashid Mohagheghian intentionally blocked the exit to the classroom and goaded my son for over 30 minutes, making several inappropriate comments before physically assaulting my son. He then dragged my son who was bleeding and crying by the wrist into a seclusion room for time-out, where my son was detained against his will. TAC §89.1053 requires any use of time-out to be properly documented, including the behavior leading to it, but this has not been followed. Several requests have been made for data on when my son is in gen ed vs. special ed classroom, as well as data on the use of time-out, which has not been provided. BCE administrators have trained staff to use harmful methods of seclusion, including denying my son access to the bathroom, causing him to soil himself. These practices are illegal and violate my son's rights.

Notes: *The campus administrator has directed staff to use Room 410 as a time out/seclusion room and my son's time spent in this room is not logged or tracked. Data as described above has been requested numerous times by the parent from the campus admin and the Special Services department. The data requested has not been provided. Additionally, our former attorney/representative has sent at least five (5) separate emails to Mr. Erik Nichols and Mrs. Jamie Turner, functioning in their capacity as LTISD legal counsel and in attendance during my son's ARD meetings, to request this data starting in mid-January 2024. My son had an accident at school on picture day, 10/2/2024.*

These violations of duty have caused my child both physical harm and significant emotional trauma, where he is unable to complete his schoolwork and learn. The district's failure to act swiftly and responsibly has exacerbated the situation.

I would like to acknowledge the swift response of the LTISD Police Department. Stephanie Clinton, in receiving a PIA for footage where alleged assault occurred on 10/29/2024, immediately contacted LTISD Police Chief Andy Michael, who reached out to the campus police officer, Officer Donnie Williamson, to initiate an investigation. Throughout the investigation period, from 10/29/2024 until 11/1/2024, the campus police officer was the only LTISD representative who kept me informed. During this timeframe, I emailed several campus and district administrators, and the Campus Principal, Executive Director of Special Services, and Assistant Superintendent of Curriculum & Instruction did not reach out to even acknowledge the incident or answer my request to view footage from the classroom until Monday 11/4/2024. I was only contacted after my concerns were posted on a public Facebook page regarding the incident.

District policy contains guidance around background checks in DBAA (LOCAL). Similarly, District policies vest substantial discretion in paraprofessionals, teachers and administrators without adequate training, thereby perpetuating an unsafe environment for students with disabilities. Due to the policy decisions by the District, my son did not receive any sort of medical care after sustaining bodily injury resulting from the physical assault by his special education teacher. I had to take time off work to care for my son and take him to a medical doctor to assess his injury. As a result of this incident and a previous incident occurring 2/1/2024 resulting in medical harm to my child, I have been harmed financially by incurring thousands of dollars in medical bills due to the campus staff's inability to keep my child safe while he attends school.

Notes: Medical bill from VIK Medical Care / ER will be provided upon receipt.

Furthermore, though my son qualifies for special education services as a student with emotional disturbance, he has been emotionally and physically abused by teachers who the principal and the district has chosen to hire. Previously, he was denied when he's requested several times to meet with a counselor after the previous incident occurred on 2/1/2024. So far, he has had to request access to the counselor after this incident, who is only on campus twice per week, but I would like that to be formalized as a requirement for at least 6 months after enduring immense trauma resulting from the most recent assault incident on 10/29/2024. The lack of accommodations, services, and supports cause behavior to worsen and the cycle continues. My physical and mental health as well as my son's has been disrupted since he started Pre-K in the district in the FY22-23 school year and is continuing to decline rapidly as he has stated that he feels unsafe, unloved, and unwelcome at Bee Cave Elementary.

Notes: *My son has been denied repeated requests to attend his general education inclusion time since 9/23/2024, even though he has had days of good behavior. The campus administrator opted to change my son's placement without being aware of his emotional regulation and needs, as evidenced by direct observation on 10/31/2024. AS of the date of the grievance hearing, 12/12/2024, my son continues to receive special education services and behavior supports in a more restrictive environment and has not been allowed to attend one substantive class in the general education setting, causing him to fall behind in reading, which is a violation of LRE and denies access to FAPE.*

7. Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.

Before school started, I questioned the special education teacher's credentials (emergency permit) in an email to Principal Kellner and Brook Roberts, Special Education Coordinator. Principal Kellner confirmed the teacher was only hired two weeks before school began. My son was aware of the teacher's emergency permit and refused to attend the special education class, choosing to attend general education class instead. I filed a TEA complaint in late August, which was addressed with an offer of compensatory time on 11/11/2024. However, compensatory time cannot undo the emotional, mental, and physical abuse my son endured from his assigned teacher.

9/17/2024

Caleb was prevented from going to the general education classroom as his teacher had a substitute. He was forced to stay in the SDC classroom all day doing worksheets.

9/19/2024

Received email from Principal Kellner. First documented day with severe behaviors, leading to placement in the SDC classroom for the remainder of the day.

9/22/2024

My son's developmental optometrist, who sees him weekly for vision therapy, called CPS on the school due to concerning behavior changes and my son disclosing abuse from his teacher/aide happening at school. She recommended for me not to send him back if I had any concerns that he was being emotionally/physically abused.

9/23/2024

My son experienced a head injury at school and came home with over 20 bruises up and down his arms. The school nurse reported no notable injury and recommended monitoring for concussion. He was also restrained by 3 individuals. It was unclear if these individuals have current Nonviolent Crisis Intervention CPI training that is child-

centered and trauma-informed. Sent pictures to school nurse, questioning the bruises. Received email response from Principal Kellner. She was unable to explain the bruises and would later go on to suspend my son for 2 days due to behavior on the bus ride home this very same day, ignoring the fact that he had a head injury and concussion.

9/24/2024

Caleb stayed home from school to monitor concussion.

9/25/2024

Caleb returned to school but had a very rough day behavior-wise.

9/26/2024 & 9/27/2024

Caleb refused to go to school both days, it seemed like he might be getting a sinus infection, but he kept saying he was scared to go to school and his special education teacher was a "mean monster" so he stayed home from school.

9/29/2024

Caleb went to school, where I was able to observe for 4 hours. Despite the last week being rough for him behavior-wise, he did well for Johnny Appleseed day. Discussed with the assistant principal, Rida Ortego, who was in the classroom(s) the entire time.

10/7/2024

Caleb had a rough day, school called me to pick him up early and Principal Kellner sent an email later that evening informing me he was suspended for the rest of the week.

10/8/2024

Sent a request for cameras in the SDC classrooms Room 406, 408, 410 directly to the Executive Director for Special Services, Jennifer Freeman after Principal Kellner sent an email stating that my son would lose all of his inclusion time due to behavior increase.

10/14/2024

Received email from Principal Kellner announcing abrupt teacher change effective immediately, for both gen ed and special ed classrooms. I realized this was now my son's 8th and 9th teachers in a year period. Concerning.

Included a summary of both verbal and email communication with the campus staff and district staff starting from the date of initial restraint on 10/18 onward. This demonstrates consistent communication, without resolving the safety concern or sharing an incident report and lack of communication around outcome of the administrative investigation.

10/18/2024

Mr. Rashid Mohagheghian restrained my son using an non-CPI method (c-clamp). Refer to email in response to restraint documentation sent by Rida Ortego, Assistant Principal.

10/22/2024, 10/24/2024 & 10/25/2024

Mr. Rashid Mohagheghian was absent. Caleb was in SDC all day with Mrs. Velasquez.

10/29/2024

My son came running to the lobby of the office when I came to pick him up from campus. No administrator or teacher informed me what happened. I sent a PIA request to Stephanie Clinton for the hallway and classroom footage.

10/30/2024

Escorted my son into school to demand answers from the incident occurring the previous day. Both Assistant Principals, Ashley Nauta and Rida Ortego, along with Educational Diagnostician Stacey Hall and school nurse Jamie Foster were near the entryway door. I provided medical documentation to school nurse Jamie Foster for my son's file. Briefly discussed the incident with campus police Officer Donnie Williamson. The AP informed me that Principal Kellner would not be in until later, around 10am. Only the campus police informed me that footage from the cameras in the classroom would be reviewed to determine how my son was injured and obtained significant bruising.

Mr. Rashid Mohagheghian was absent. Caleb was in SDC all day with Mrs. Velasquez.

Received email response from Stephanie Clinton denying access to the footage under PIA and form to view footage from Jennifer Freeman.

10/31/2024

Principal Kellner sent an email stating she was compelling my son to go to SDC to do his 1:1 goal setting with his abusive teacher vs. gen ed inclusion time for the Wild Rumpus event. I had grave concerns with her decision and stayed outside to monitor my son until he transitioned to the SDC classroom with Mrs. Velasquez.

Received email from Principal Kellner approx. 8pm to inform me that Mr. Rashid Mohagheghian would not be on campus the following day and behavior support would be on-site from the district.

11/1/2024

Despite a late bedtime on Halloween and 1 hour late start, my son had the BEST DAY of the school year in the SDC classroom with Mrs. Velasquez, who I noticed was reassigned as his teacher in Skyward. The campus police officer stopped me in the morning to come by his office and asking if I was wanting to press charges. He stated

that a warrant for arrest of Mr. Rashid Mohagheghian would be issued. Sent request form to view the video footage late afternoon directly to Jennifer Freeman.

11/3/2024

Received email from Assistant Superintendent of Curriculum and Instruction asking to meet and view the video. I did not see this email until the afternoon of 11/4/2024.

11/4/2024

Jennifer Freeman reaches out at 9am to come in and view the video footage.

11/6/2024

I reviewed the footage from 9 am to noon—it was horrific. Multiple education codes, district policies, and criminal laws were violated. There was no clear trigger for the teacher's behavior, which involved assaulting and goading my son for over 45 minutes. I stayed composed while speaking with Jennifer Freeman and Stefani Vickery, but after leaving, I had to pull over and vomit. The police chief contacted the campus officer to serve the warrant. The district sent a statement to BCE parents at 2:52 pm, when most were already picking up their children at the elementary school.

8 . Please describe the outcome or remedy you seek for this complaint.

LTISD perpetuates an unsafe educational environment for students with disabilities by refusing to provide accommodations and modifications necessary for them to access education, in violation of the U.S. Constitution and federal civil rights laws.

The district must provide all requested data and documentation to ensure my equal participation in decisions regarding my son's education, as required by law. This includes data on the time spent in special vs. general education, decisions related to placement, frequency of out of placement for Specials (Art, PE, Music), lunch in the cafeteria and recess with peers as required in his IEP, and required documentation for time-outs in Room 410 and any restraints, in accordance with TAC §89.1053.

The district should thoroughly investigate the situation that led to my son being placed with a special education teacher who had a criminal background. I would like the entire HR department and pre-employment screening processes to be investigated and reformed. As a parent of a child who was caused medical harm, I want to understand what the next steps will be with the teacher and full transparency of the results of the investigation, as it is the school's responsibility to their duty of care/duty to protect all students. Further, I require for all my child's medical bills related to this incident paid for and covered by the school district, including a minimum of 6 months of daily counseling visits while at school as well as intensive outpatient trauma therapy for both incidents.

Notes: During the grievance hearing, I further defined the commentary “HR department and pre-employment screening processes to be investigated and reformed” as follows: I am requesting for the Assistant Superintendent of HR, Susan Fambrough to be immediately terminated, and any other individual complicit in the hiring of the educator, Rashid Mohagheghian, allowing him to step foot on any LTISD campus, including but not limited to Superintendent Paul Norton; Principal Kimberly Kellner; and Executive Director for Special Services, Jennifer Freeman, to be immediately terminated.

As mentioned in my emails with Suzanne Kellbaugh, I felt as if the administrator assigned to the Level Two grievance hearing, Stefani Vickery, has a direct conflict of interest as she is named in the complaint. Therefore, I would like an independent, third-party investigation to handle the investigation which is best practice for any case where a student has allegedly been physically or sexually assaulted by a school employee.

If Superintendent Paul Norton and Principal Kimberly Kellner failed to report the arrest of LTISD employee Rashid Mohagheghian within the seven (7) day window as required under TEC § 21.006(c) and TEC 22.093(f), they should be held accountable for failure to report misconduct within this timeframe and charges state jail felony should be filed.

I am currently seeking a private therapist specializing in post-traumatic stress disorder (PTSD) and eye movement desensitization and reprocessing (EMDR) therapy.

Students with behavior that is caused by their disabilities deserve supportive, informed, and compassionate interventions to help them engage in and replace harmful behavior. Unfortunately, the district has failed to meet my son’s needs for the past 2.5 years. I am interested in evidence-based approaches to supporting my child’s success. I have spent thousands on an educational advocate specializing in behavior to file due process and draft an appropriate IEP for my son’s unique needs. Given the substantiated incident of emotional and physical abuse toward my son by his special education teacher on 10/29/2024, I am respectfully requesting that school staff, contractors, and all employees working with school staff, including school resource officers and police officers, avoid using corporal punishment/physical intervention, seclusion, and restraint with my child while on campus. This includes adults blocking classroom doors to prevent my son’s escape to a safe location. Studies show that these practices lead to serious physical and emotional harm to children, including physical injuries; mental health conditions including post-traumatic stress disorder (PTSD), depression, anxiety, and suicidality; school dropout; academic failure; disability; and occasionally death. These interventions are contraindicated for children with past trauma. Seclusion or isolation is contraindicated for students who require constant monitoring, students with suicidal ideation, and students who may engage in self-injurious behavior. Moreover, studies indicate that corporal punishment, seclusion, and restraint usually worsen a child’s behavior, not improve it. Non-violent, safe alternatives can always be used instead. Therefore, I do not consent to the use of corporal punishment/physical

intervention, seclusion, and restraint upon my child. If this cannot be guaranteed, I request an out-of-district placement at public expense to meet my son's needs.

Notes: *During the grievance hearing, I elaborated on this remedy by stating that I would like for the use of time-out and seclusion in Room 410 at BCE to immediately cease. Seclusion is prohibited in the state of Texas, yet the District continues violate the law and utilize this empty classroom as an ineffective disciplinary method. Room 410, as it exists today, is an empty classroom with black walls, no windows, akin to solitary confinement or a prison cell. I stated that it should be completely torn down to the ground, all the black walls removed and returned to a classroom learning environment. More trauma-informed methods should be used when educators are unable to meet a disabled student's needs and additional options should be explored for working with children that exhibit challenging behaviors, leveraging neuroscience and proactive solutions without relying solely on crisis management. Also, Room 410, has been used as time-out, as seen on video in the abuse my son endured on 10/29/2024, to seclude and isolate students from their placement with disabled/non-disabled peers which is a violation of the constitutional rights of children (see Tinker vs. Des Moines). Over the past 1.5 years, when I have complained to the campus/district administrators that this classroom has been used to illegally seclude my son, I continue to receive replies from various individuals within Special Services stating Room 410 is a classroom conducive to learning. Direct observation over the past 1.5 years indicate Room 410 is not used by teachers/students at BCE for anything other than seclusion and time-out, and again, as stated in the grievance hearing, Room 410 needs to be torn to the ground and completely remodeled to qualify as a learning environment. I would like to clarify that the out-of-district placement at public expense to meet my son's needs is until he reaches the age of eligibility for discontinuation of services (currently 22 years old).*

As a mother of a child who has been harmed twice by district negligence and outright abuse, urging the Board to investigate the unlawful practices, processes, and unsafe environment to which my son has been subjected and to protect all students from further violations. Students deserve support and respect, particularly from administrators and staff, as they navigate challenges at school. It is the district's responsibility to ensure children are safe while on campus, and this incident presents a gap in policy where changes can be enacted quickly so this does not happen again.

I want a response by email to all the above in a good faith manner as this is an issue that needs thorough investigation, and the severity requires an immediate response.