

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

JAYLEN DAVIS,
Plaintiff,

v.

ADDENBROOKE CLASSICAL ACADEMY, a Colorado public charter school,
JOHN BYRNE, Current Principal, in his individual capacity,
RIC NETZER, Former Executive Director, in his individual capacity,
Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff Jaylen Davis, through his attorneys, brings this action against Addenbrooke Classical Academy; its Principal, John Byrne; and its former Executive Director, Ric Netzer.

Jaylen Davis (“Jaylen” or “Plaintiff”) is a Black teenager. He is eighteen years of age. During the 2024-2025 school year, when he was sixteen, Jaylen was a sophomore at Addenbrooke Classical Academy (“Addenbrooke”) in Lakewood, Colorado. He did not return for his junior year.

Jaylen brings claims for (1) racial harassment and a racially hostile educational environment under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, against Addenbrooke; (2) a sexually hostile environment under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, against Addenbrooke; and (3) race

discrimination under 42 U.S.C. § 1983 (“Section 1983”) for violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution against Addenbrooke, and against John Byrne and Ric Netzer in their individual capacities.

I. NATURE OF THE ACTION

1. Jaylen was a good student. He caused no disciplinary problems.

2. In the second semester of Jaylen’s sophomore year, White students at Addenbrooke repeatedly harassed him because of his race. They touched him and his hair without his consent, made racial remarks, and mocked him with racial stereotypes.

3. Jaylen and his mother, Jozette Davis (“Ms. Davis”), complained more than once to Byrne and Netzer about the racial harassment. Neither took action to investigate, stop, or prevent the harassment from recurring.

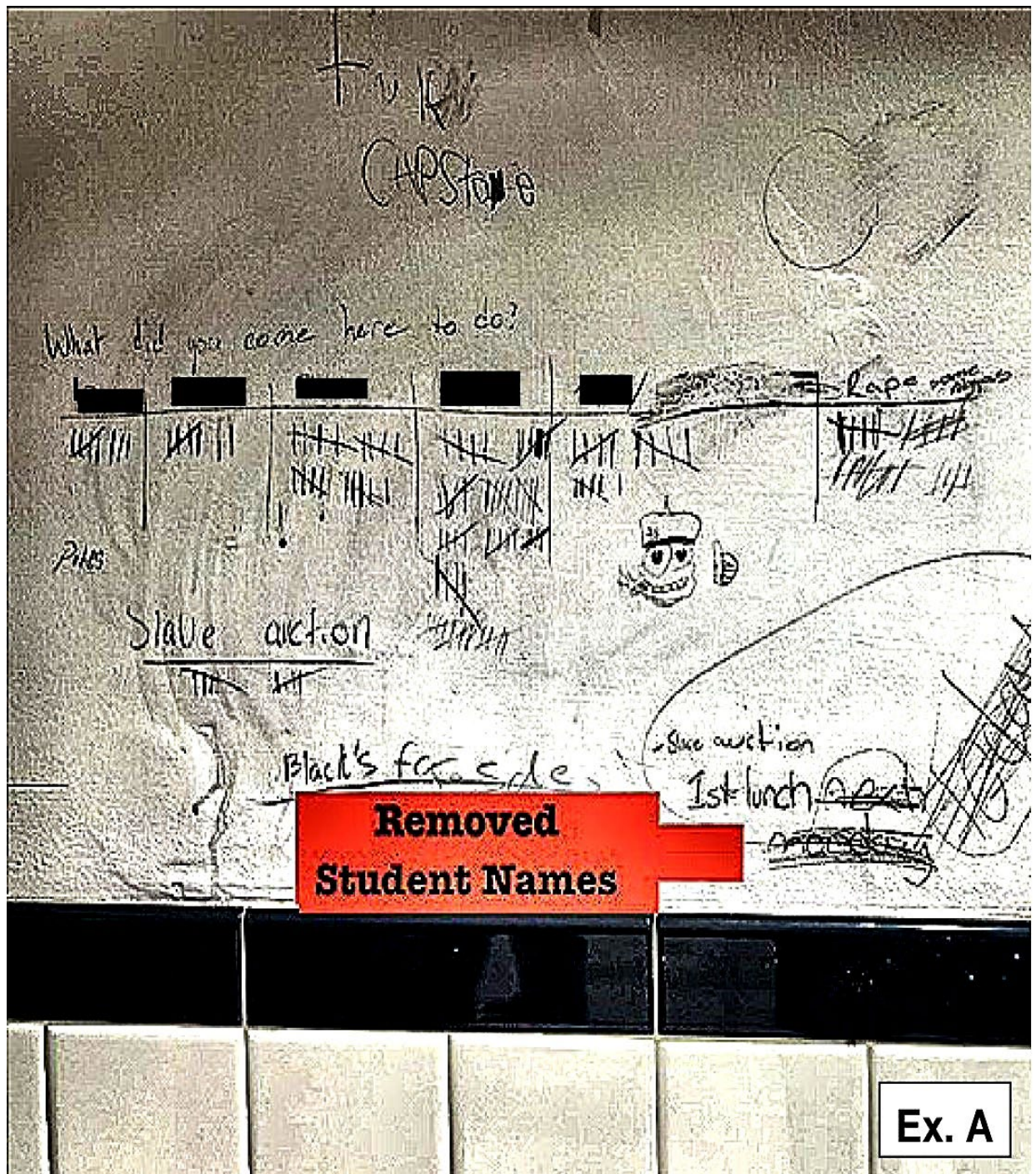
4. In May 2025, racist and sexually threatening graffiti appeared on a wall in the boys’ restroom.

5. The graffiti included these phrases: (1) “Rape some N*****”; (2) “Slave auction”; and (3) “Black’s for sale” (sic).

6. Jaylen’s name appeared beneath the graffiti, along with the names of four other male students of color.

7. Exhibit A shows the restroom wall. Student names are redacted. Close-ups of selected phrases appear in the factual allegations below.¹

Exhibit A



8. Defendants locked the restroom doors. They did not tell Jaylen or Ms. Davis about the graffiti, and they took no action to protect him.

9. Jaylen did not return to Addenbrooke for his junior year.

II. PARTIES

10. Jaylen is a Black teenager and a Colorado resident. He currently resides in this judicial district, and he resided in this district at all times in issue.

11. Addenbrooke is a public charter school in the Jefferson County School District. Its high school campus, which also houses the administration and the Board of Directors, is at 3605 South Teller Street, Lakewood, Colorado 80235.

12. Addenbrooke receives federal financial assistance. At all relevant times, it acted under color of state law.

13. John Byrne (“Byrne”), a White man, is the current Principal of Addenbrooke, and he was the Principal during the events in this Complaint. He currently resides in this judicial district, and he resided in this district at all times in issue. Jaylen sues Byrne in his individual capacity.

14. Ric Netzer (“Netzer”), a White man, was Addenbrooke’s Executive Director during the events in this Complaint. He currently resides in this judicial district, and he resided in this district at all times in issue. Jaylen sues Netzer in his individual capacity.

15. Byrne and Netzer acted under color of state law at all times in issue.

¹ The exhibits show redactions and exhibit labels. The red asterisks in Exhibit B do not appear on the wall. The close-ups are cropped, and the images are adjusted for contrast and sharpness.

III. JURISDICTION AND VENUE

16. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3)–(4).

17. Jaylen’s claims arise under Title VI, Title IX, 42 U.S.C. § 1983, and the Fourteenth Amendment to the United States Constitution.

18. Venue is proper under 28 U.S.C. §§ 1391(b)(1) and (2).

19. The events giving rise to these claims occurred in this judicial district, where Addenbrooke operates, and all parties currently reside and resided at all times in issue.

IV. FACTUAL ALLEGATIONS

A. Racial Harassment

20. Throughout Jaylen’s second semester, White students harassed him during the school day. The harassment increased in severity.

21. Addenbrooke, Byrne, and Netzer had supervisory and disciplinary authority over the White students harassing Jaylen.

22. White students repeatedly touched Jaylen and played with his hair without his consent.

23. One White student gave Jaylen a stress ball shaped like a monkey.

24. Other White students showed him a video of a character in a Burger King hat shouting, “throw the ni***** off the plane.” Later, they wore Burger King hats to class and acted out the scene in front of him.

25. A White student told Jaylen he would “return to” a Kentucky Fried Chicken restaurant when he died.

26. Another White student asked Jaylen whether he “sagged.” The term is slang associated with Black culture.

27. Jaylen found the above actions unwelcome, offensive, and threatening.

28. Between January and April 2025, Jaylen and Ms. Davis each complained more than once to Byrne and Netzer and asked them to stop the harassment.

29. By January 27, 2025, Ms. Davis had reported to Byrne that students were touching Jaylen. She told him she worried Jaylen was becoming a target for bullying.

30. Ms. Davis asked Byrne to have the White students leave Jaylen alone. She (1) explained the attention was not helping Jaylen; (2) said she feared the school would fail him or treat him negatively; and (3) raised concerns about staff members meeting with Jaylen about the harassment without her.

31. Addenbrooke, Byrne, and Netzer spoke with Jaylen after Ms. Davis’s complaints.

32. Addenbrooke, Byrne, and Netzer never told Jaylen or Ms. Davis they had taken any action to stop the harassment, protect Jaylen, or keep the harassment from continuing or recurring.

33. Addenbrooke, Byrne, and Netzer never told Jaylen or Ms. Davis they had opened a bullying, harassment, or discrimination investigation, interviewed the students responsible, imposed discipline, put protective measures in place, or prepared a safety plan.

34. Upon information and belief, Addenbrooke, Byrne, and Netzer did not open a bullying, harassment, or discrimination investigation, interview the students responsible, impose discipline, put protective measures in place, or prepare a safety plan.

35. Byrne and Netzer had authority to investigate the reports, discipline the students responsible, protect Jaylen, and prepare a safety plan.

36. Netzer told Jaylen to “hit, punch, or slug” the students targeting him. Had Jaylen done so, he likely would have faced discipline.

B. May 2025: Racist, Sexual, and Targeted Threats

37. In May 2025, the harassment escalated from stereotypes, unwanted touching, and mockery to racist and sexual graffiti on a wall in the boys’ restroom.

38. The graffiti named Jaylen.

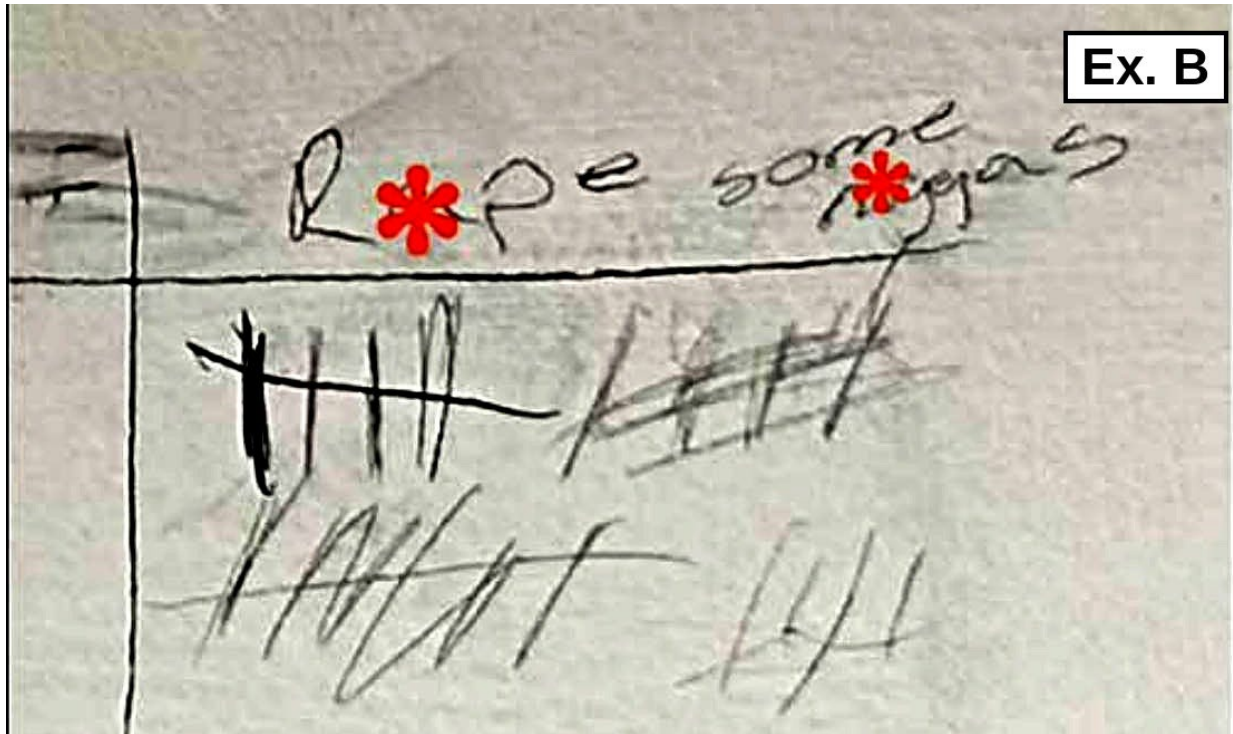
39. The graffiti also named four other male students of color.

40. The graffiti read: “Rape some N*****” (Exhibits A, B); “Slave auction” (Exhibits A, D); and “Black’s for sale” (sic) (Exhibits A, C).

41. Nearby, the graffiti read “- Slave auction” and “1st lunch.” Next to “1st lunch,” someone wrote and then crossed out “next monday” (Exhibit A).

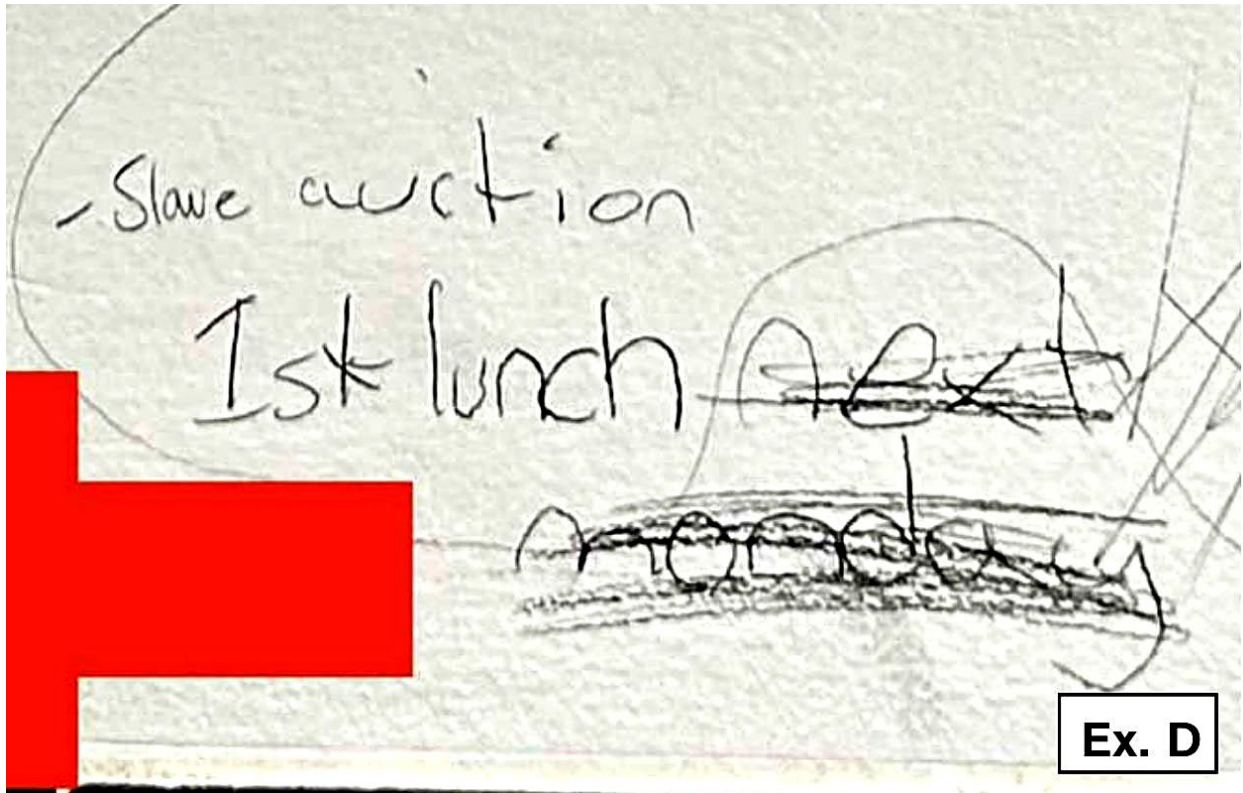
42. Set forth below is a close-up of the phrase “Rape some N*****.”

Exhibit B



43. Set forth below is a close-up of the phrase "Slave auction."

Exhibit D



44. Set forth below is a close-up of the phrase “Black’s for sale” (sic).

Exhibit C



45. Defendants locked the restroom, except for short moments when the students changed classes.

46. Defendants did not tell Jaylen or his mother about the graffiti, his being named in the graffiti, or the threats against him.

47. Board Policy 6.4(E) (“Responsibility for Action”), described below, required any employee who learned of the graffiti, which was an act of bullying, to notify Netzer.

48. On information and belief, Byrne and Netzer knew of the graffiti and approved closing the restroom before Jaylen learned of the graffiti.

49. On or about May 5, 2025, a classmate showed Jaylen a photograph of the graffiti. Jaylen saw his name written beneath it. He was upset, afraid, and felt threatened.

50. Jaylen called his mother. She came to the school and took him home. No Defendant had told either of them about the graffiti.

51. On information and belief, one or more Defendants told other parents about the graffiti.

52. On May 6, 2025, Byrne told Ms. Davis that Addenbrooke had painted over the graffiti and had given “the boys” “some strong words of warning”; but he contradicted himself, stating Addenbrooke did not know who wrote the graffiti.

53. The same day, Ms. Davis told Byrne that Jaylen did not feel comfortable attending the school’s awards ceremony, where he was to receive an achievement award.

54. Defendants did not interview Jaylen about the impact of the graffiti.

55. Defendants did not tell Jaylen or Ms. Davis (1) who wrote the graffiti, (2) any discipline imposed on the specific students or individuals who wrote the graffiti, (3) any information Jaylen could use to protect himself in the future, or (4) any action taken to prevent the graffiti incident from recurring.

56. Jesse Jerome, a White student, was a senior at Addenbrooke at the time. [Ex. 1, ¶¶ 1, 1,4 , and 5]. He saw the graffiti, which named five male students of color. [Ex. 1, ¶ 7]. He recognized Jaylen’s first name beneath the graffiti and photographed it. [Ex. 1, ¶¶ 8, 9]. Exhibits A through D fairly and accurately show what Jerome saw, with student names redacted. [Ex. 1, ¶¶ 11-12]. Jerome’s declaration is Exhibit 1..

57. Students at Addenbrooke knew about the graffiti and the restroom closure and discussed them publicly.

C. Jaylen's Junior Year

58. Addenbrooke's school year ended within weeks of the graffiti.

59. Jaylen finished his sophomore year but did not return in the fall.

60. Jaylen did not return because of the racial harassment, the unresolved threats naming him, and Defendants' failure to investigate or protect him. Returning was neither safe nor reasonable.

61. When junior year began, Jaylen and Ms. Davis had no car. No other school was within reasonable reach.

62. Jaylen completed his junior year online at home, without classmates, live instruction, sports, clubs, activities, or a social life.

63. Jaylen lost the educational opportunities that come with attending Addenbrooke in person. These include the chance to build friendships with his classmates and further develop socially; to strengthen his academic and extracurricular record through classroom instruction, sports, clubs, and other activities; and to form relationships with teachers who could have counseled and mentored him in his classwork, advised him on the college application process and on educational and employment opportunities, and recommended him for college and employment, both at the time and in the future.

D. The Board's Written Policies

64. Addenbrooke's Board of Directors governs the school under Bylaws and a Board Policy Manual. The Board adopted written policies against discrimination and bullying. See C.R.S. §§ 22-30.5-116, 22-32-109(1)(II), 22-32-109.1.

65. Race. Policy 2.5 (“Nondiscrimination”) prohibits excluding any person from, denying any person the benefits of, or subjecting any person to discrimination under any educational program based on race.

66. Policy 5.3(A) bars racial discrimination and harassment.

67. Abusive Conduct and Bullying. Policy 5.3(C) prohibits abusive conduct, including derogatory remarks, epithets, and conduct a reasonable person would find threatening, intimidating, or humiliating.

68. Bullying, Threats, Remarks, and Graffiti. Policy 6.4 (“Bullying”) prohibits bullying, defines it to include threats, intimidating remarks, and graffiti, provides that a single incident can constitute a violation of the policy, and forbids staff from tolerating it.

69. Sex. Policy 6.11 (‘Sexual Harassment of or by Students’) commits the Board to maintaining an environment free from sexual harassment, requires complaints be handled without delay, and directs students who witness or experience sexual harassment to report it to the Principal or Executive Director.

70. Student Safety. Policy 4.7 (“Safety & Security”) makes student safety a primary Board priority and promises an environment free from harassment, bullying, intimidation, and threats.

71. Under these policies and the Bylaws, Netzer and Byrne held final policymaking authority over student safety, student discipline, harassment and bullying investigations, protective measures, and parent notification.

72. Netzer held operational, investigative, and disciplinary control. Policy 6.4(E) requires any employee who observes or learns of bullying to act immediately, notify the

Executive Director, and complete an Incident Report. Policy 6.4(F) authorizes the Executive Director to investigate bullying reports. Policy 6.4(G) authorizes consequences ranging from counseling to expulsion, along with protective measures such as separating students, supporting the targeted student, notifying law enforcement, and adopting a safety plan with the parents.

73. No policy subjects Netzer's decisions to meaningful review. Policy 3.6 commits administrative procedures to his discretion and bars the Board from substituting its judgment for his. Policy 3.16 routes staff communications to the Board through Netzer. Policy 3.11(C)(2)(d) excludes the Accountability Committee from individual student discipline. Under Bylaws §§ 5.1 and 5.4 and Policy 3.17, the Board oversees Netzer through an annual evaluation and its power to end his at-will employment. Policy 6.4(E) sends Incident Reports and updates to the Board, but no provision lets the Board approve, block, or reverse his decisions.

74. Byrne held authority over student discipline and harassment complaints at the high school, also without Board review. Policy 6.3(C) gives Principals authority under C.R.S. § 22-33-106 to suspend students and requires each Principal to prepare a Student Code of Conduct and Administrative Discipline Procedure for Netzer's approval, not the Board's. Policy 5.3(D) charges Byrne and Netzer with receiving complaints, investigating, and carrying out corrective action. A suspension longer than five days requires notice to the Board President, not Board approval.

75. Policy 6.11 assigns the Principal and Executive Director the duty to start the sexual harassment investigation process.

76. Jaylen's and Ms. Davis's reports to Netzer and Byrne triggered their investigation and corrective-action duties under Policies 5.3(D) and 6.4(E)–(G).

77. On information and belief, Netzer and Byrne did not perform those duties.

E. Harm to Jaylen

78. As a direct and foreseeable result of Defendants' conduct, Jaylen suffered emotional pain, fear, humiliation, embarrassment, inconvenience, mental anguish, loss of enjoyment of life, and lost educational opportunities.

79. Byrne and Netzer acted intentionally, maliciously, willfully, or in reckless disregard of Jaylen's federally protected rights.

V. CLAIMS FOR RELIEF

COUNT ONE

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000d Race-Based Harassment and Hostile Educational Environment (Against Addenbrooke)

80. Jaylen incorporates all preceding paragraphs.

81. Title VI prohibits race discrimination in any program receiving federal financial assistance. 42 U.S.C. § 2000d. Addenbrooke receives federal financial assistance.

82. The harassment Jaylen faced was based on his race.

83. Jaylen confronted harassment in two parts: (1) peer harassment before the graffiti, and then (2) the graffiti and threats naming him.

84. Addenbrooke, through Byrne and Netzer, had actual knowledge of the peer harassment and the graffiti and threats.

85. By January 27, 2025, Byrne knew of Ms. Davis's complaint of racial harassment, and Addenbrooke, Byrne, and Netzer had spoken with Jaylen about it.

86. Between January and April 2025, they also received Jaylen's own complaints.

87. The harassment, graffiti, and threats were severe, pervasive, and objectively offensive. Together, they deprived Jaylen of equal access to the educational benefits and opportunities Addenbrooke provides.

88. Addenbrooke responded with deliberate indifference.

89. Addenbrooke's response was clearly unreasonable in light of the known circumstances.

90. As to the peer harassment, Addenbrooke did not investigate, stop the harassment, discipline the students, take action to protect Jaylen, or take action to stop the harassment from continuing or recurring.

91. As to the graffiti and threats, Addenbrooke did not inform or warn Jaylen or Ms. Davis about the graffiti and threats.

92. As to the graffiti and threats, Addenbrooke did not give Jaylen and Ms. Davis sufficient information to allow Jaylen to protect himself or permit Ms. Davis to protect him.

93. As to the graffiti and threats, Addenbrooke did not tell Jaylen or Ms. Davis the names of the persons responsible for the graffiti, the posting, and the threats, or of any discipline imposed on those individuals.

94. As to the graffiti and threats, Addenbrooke did not take steps to protect Jaylen or prevent the threats from recurring.

95. Addenbrooke had substantial control over the peer harassers and the authors of the graffiti and threats, through its disciplinary authority and its power to take corrective

action, and over the setting. The harassment took place during school hours, on school grounds, in areas under school supervision.

96. Addenbrooke's deliberate indifference caused Jaylen to undergo continued harassment and made him vulnerable to further harassment, including the graffiti and threats naming him. As a result, Jaylen lost his in-person education at Addenbrooke and suffered the injuries described above.

COUNT TWO
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 20 U.S.C. § 1681
Sex Discrimination: Threat of Rape
(Against Addenbrooke)

97. Jaylen incorporates all preceding paragraphs.

98. Title IX prohibits sex discrimination in federally funded education programs. 20 U.S.C. § 1681(a). It protects every student, regardless of sex. Addenbrooke receives federal financial assistance.

99. As alleged in Count One, Addenbrooke had substantial control over the harassers and the setting.

100. The graffiti threatened rape, an act of sexual violence. The rape threat was sexual in nature and was discrimination based on sex.

101. The rape threat bore Jaylen's name, appeared in the boys' restroom, and targeted male students by name. It was severe and objectively offensive, and a reasonable person in Jaylen's position would find it so.

102. Addenbrooke never told Jaylen or Ms. Davis about the rape threat with his name under the threat.

103. Addenbrooke did not take steps to protect Jaylen or give him the information he needed to protect himself.

104. Jaylen learned of the threat from a classmate's photograph.

105. Addenbrooke, Byrne, and Netzer had actual knowledge of the graffiti and the rape threat naming Jaylen.

106. A written rape threat naming a student on school property triggered Addenbrooke's duties under Title IX.

107. Policy 6.11 separately required the Principal and Executive Director to start the investigation process and to handle sexual harassment complaints without delay.

108. Addenbrooke never told Jaylen or Ms. Davis that it conducted a comprehensive investigation to identify the source of the graffiti threat, other than Byrne's brief comment in which he admitted he did not know the names of the individuals involved in the graffiti incident.

109. Addenbrooke never told Jaylen or Ms. Davis that it had opened a Title IX process, nor did it offer them supportive measures.

110. Title IX required Addenbrooke to assess the threat, protect Jaylen, take action to permit Jaylen to protect himself, and prevent further harassment. Addenbrooke did not perform all these actions.

111. Addenbrooke's response to the rape threat was deliberately indifferent and clearly unreasonable in light of the known circumstances.

112. Addenbrooke's deliberate indifference made Jaylen vulnerable to further harassment and deprived him of access to the educational opportunities and benefits

Addenbrooke provides. He did not return for his junior year and suffered the injuries described above.

COUNT THREE
42 U.S.C. § 1983: Equal Protection Clause
Fourteenth Amendment to the United States Constitution
(Plaintiff Jaylen Against Defendants Byrne and Netzer)

113. Jaylen incorporates all preceding paragraphs.

114. Jaylen brings this claim against Byrne and Netzer in their individual capacities.

115. At all times, Byrne and Netzer acted under color of state law.

116. Section 1983 provides the cause of action.

117. The Equal Protection Clause prohibits state actors from denying any person equal protection under the laws, including the right to be free from racial discrimination and harassment in public schools.

118. Byrne and Netzer had actual knowledge of the race-based peer harassment directed at Jaylen, and later of the racist graffiti and threats naming him.

119. Byrne personally participated in the violation. He received complaints of the racial harassment, had the authority to investigate, discipline students, and implement protective measures, yet took no reasonable corrective action.

120. Netzer personally participated in the violation. He knew of the complaints of racial harassment, had authority over investigations, discipline, safety measures, and parent notification, and yet took no reasonable corrective action.

121. Byrne and Netzer consciously acquiesced in the harassment and were deliberately indifferent to it.

122. Their response was so clearly unreasonable under the circumstances as to permit a reasonable inference that Byrne and Netzer intentionally discriminated against Jaylen based on his race.

123. Their deliberate indifference allowed the harassment to continue and grow more severe.

124. Their deliberate indifference and the harassment deprived Jaylen of an educational environment in which he could safely participate.

125. The harassment was severe, pervasive, and objectively offensive.

126. Addenbrooke's policies on discrimination, harassment, bullying, safety, and discipline are designed to protect students. They prohibit racial discrimination and harassment and establish procedures for reporting, investigating, correcting, and preventing threats, bullying, harassment, and graffiti. Byrne and Netzer denied Jaylen the full and equal benefit of the procedures established by Addenbrooke's policies on discrimination, harassment, bullying, safety, and discipline regarding his security..

127. Byrne and Netzer denied Jaylen the full and equal benefit of the Equal Protection Clause.

128. At the time, it was clearly established that school officials with supervisory authority violate the Equal Protection Clause when they act with deliberate indifference to known peer racial harassment of students.

129. Byrne and Netzer are not entitled to qualified immunity.

COUNT FOUR
42 U.S.C. § 1983: Equal Protection Clause
Fourteenth Amendment to the United States Constitution
(Plaintiff Jaylen Against Defendant Addenbrooke)

130. Jaylen incorporates all preceding paragraphs.

131. Addenbrooke violated Jaylen's right to equal protection, including his right to be free from racial discrimination and harassment in a public school.

132. Addenbrooke is liable under 42 U.S.C. § 1983 on two grounds. First, final policymakers made the decisions causing the violation. Second, it maintained a custom of deliberate indifference to known race-based harassment.

133. Byrne and Netzer held final policymaking authority over student safety, discipline, and responses to race- and sex-based harassment. Their decisions in those areas were Addenbrooke's official policy.

134. Exercising that authority, Addenbrooke, through Byrne and Netzer, decided not to investigate the peer harassment, discipline the students, stop the harassment, or protect Jaylen.

135. Exercising that authority, Addenbrooke, through Byrne and Netzer, decided not to warn Jaylen or Ms. Davis about the graffiti and threats, not to take steps to protect Jaylen, not to determine the identity of the persons involved in authoring, posting, and making the threats in the graffiti, and not to tell Jaylen or Ms. Davis who those persons were.

136. Exercising that authority, Addenbrooke, through Byrne and Netzer, decided not to provide Jaylen and Ms. Davis with sufficient information to allow Jaylen to protect himself.

137. Exercising that authority, Addenbrooke, through Byrne and Netzer, decided not to take steps to prevent the graffiti and threats or similar racist incidents from recurring.

138. Each was a deliberate choice among available alternatives.

139. Addenbrooke, through Byrne and Netzer, had actual knowledge of the racially hostile educational environment from Jaylen's and Ms. Davis's repeated complaints between January and April 2025.

140. Addenbrooke maintained a custom of deliberate indifference to known race-based harassment. It responded to each of Jaylen's and Ms. Davis's complaints the same way: no adequate investigation, no discipline of the offending White students, and no action to stop the harassment or prevent it from recurring.

141. Addenbrooke's policy decisions and custom, through Byrne and Netzer, were the moving force behind the violation of Jaylen's equal protection rights and his resulting injuries.

VI. REQUEST FOR RELIEF

Jaylen asks the Court to enter judgment for him against Defendants, jointly and severally where applicable, and to award:

(1) Compensatory damages to Jaylen for his lost junior year of in-person education, lost extracurricular participation and the academic and career opportunities it brings, lost peer relationships and social development, and all related emotional distress, pain and suffering, and future economic harm.

(2) Punitive damages against Byrne and Netzer sufficient to punish their conduct and deter others.

(3) Nominal damages.

(4) Reasonable attorney's fees and costs under 42 U.S.C. § 1988(b) and any other applicable statute.

(5) Pre- and post-judgment interest.

(6) Any other relief the Court finds just.

VII. JURY DEMAND

Plaintiff Jaylen Davis demands a trial by jury on all issues so triable under Fed.

R. Civ. P. 38(b).

Dated: September 30, 2026.

/s/ Steven L. Murray

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