

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

G.W. and J.R. o/b/o K.W.,
Plaintiffs,

Case No.:

Hon.

v.

JURY DEMAND

Walled Lake Consolidated Schools,
Defendant.

Ashley B. Jacobson (P83481)

Attorney for Plaintiffs

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There are no other unresolved or present legal matters involving the parties listed in
the caption above.

PLAINTIFFS' VERIFIED COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

PLAINTIFFS Glenn Woodard and Jennifer Russell (hereinafter "G.W. and J.R.") on behalf of (o/b/o) Kai Woodard (hereinafter "K.W."), by and through their attorney Ashley B. Jacobson of Jacobson Law & Advocacy, PLLC, hereby state the following as Plaintiffs' Complaint, for which they state as follows:

INTRODUCTORY STATEMENT

1. This Complaint stems from a variety of bullying issues, disability rights violations, and constitutionally protected rights violations experienced by K.W., a soon-to-be sixth (6th) grader with the Walled Lake School District, in which he is still enrolled.
2. K.W.'s parents bring this Complaint after several efforts to return K.W. to school, while properly addressing safety, surveillance, and disability rights concerns moving forward.
3. This is an action to enforce the constitutional rights and civil rights of a child with a disability and his parents, against Walled Lake Consolidated School District (hereinafter referred to as "the District").
4. Plaintiffs, at all times relevant to this Complaint, were eligible for educational and other public services and accommodations from the City of Walled Lake, located at 850 Ladd Road, Building D, Walled Lake, Michigan, 48930.
5. K.W. (Date of Birth: 12/1/2014) was a fifth-grade student, now a sixth-grade student, diagnosed with Attention Deficit Hyperactivity Disorder

(ADHD), Pediatric Acute-onset Neuropsychiatric Syndrome (PANS), Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS), Oppositional Defiance Disorder (ODD), Speech Disorder, Auditory Processing Disorder, Written Expression Disorder consistent with Pathological Demand Avoidance (PDA), and Traumatic Brain Injury (TBI) since the age of two (2) years old.

6. K.W. receives special education services through Walled Lake Consolidated Schools (hereinafter referred to as “the District”) under the classification of Other Health Impairment (OHI).
7. K.W. exhibits difficulties stemming from his disabilities that include academic, social, emotional, communication, executive functioning, and behavioral symptoms.
8. During the 2024-2025 and 2025-2026 school years, K.W. reports that he experienced violations to his privacy, disability rights, and safety rights related to the District’s actions and inactions after K.W. reported bullying.
9. K.W.’s parents attempted to resolve these disagreements with the District pertaining to their rights as parents, as well as their child’s rights in education, prior to engaging in litigation, to no avail.
10. During the 2024-2025 school year, K.W. experienced significant bullying, which was witnessed by another student and corroborated by that student.
11. After the bullying was reported, the District separated the witness and K.W., and is believed to have threatened the child to stay away from K.W., despite their best friendship. K.W. and his best friend were removed from

the same classes and school activities by the District after K.W. reported bullying—resulting in the exacerbation of his disability symptoms. The District informally or formally instructed to keep the children apart, just as the bullying and other disability rights violations were supposed to be investigated and addressed.

12. The District scared the witness so significantly that at a fall community event, the father of the witness made a scene when another student told the child witness that K.W. was there. This left K.W. in tears. He is confused and severely emotionally distressed to this day as to why his best friend was no longer allowed to be in class with him, be around him, or even speak to him. K.W. cries on a near-daily basis because he misses the way school used to be, and he feels as though he is missing out on what other students experience. It has been incredibly taxing on K.W. and his parents, in ways that must be remedied.

13. After the bullying was reported to the principal, Carrie O'Connell, she claimed that she completed a bullying investigation; however, despite a student eye witness corroborating the bullying to school social worker Kristen Abbo, and the issue of bullying had been brought up by K.W.'s parents at an IEP meeting, the District did not appropriately address the bullying and disability rights issues raised.

14. Not coincidentally, K.W.'s parents were discussing claims of disability rights violations and bullying with the District when K.W. was intentionally isolated from his peers.

15. K.W. was “suspended” from school, and his parents requested curriculum or some form of academic materials so that he did not fall behind.

16. The District claimed then, and continues to claim now, that they are not responsible for providing curriculum or academic support to students who are suspended.

17. K.W. has not attended school at the District, and went without academic support from the District for the remainder of the school year, with no urgency by the District to address the bullying, behavior planning and support, and missed curriculum.

18. K.W.’s parents, out of a desire to provide some structure and academic instruction, were forced to miss work and social opportunities to provide supervision and some academic support for K.W. for the remainder of the school year.

19. K.W. expressed a desire to return to school on a near-daily basis, and he was never unenrolled from the District.

20. K.W.’s parents remain concerned that bullying is not only rampant at the District, but that safety, surveillance, disability rights and other issues specifically place K.W. in harm’s way without these issues being appropriately addressed.

21. K.W.’s parents offered to engage in mediation, which the District refused to engage in good faith.

22. Then, at the end of the 2025-2026 school year, the District sent an email to all parents, notifying them of a significant and disturbing change. The

District would require all students to use Chromebook computers with GoGuardian software installed on them. Having been made aware of several negative impacts of GoGuardian software on students and families, the parents of K.W. decided to conduct research to learn more about the implications of this change.

23. K.W.'s parents discovered several reports, investigations, and articles highlighting the fact that GoGuardian listens to those in its vicinity at all times. The Software may also flag speech it deems inappropriate, notify the school, and in some cases notify the police.
24. While K.W.'s parents are not engaged in any inappropriate speech, they assert that implementation of this software in the manner proposed by the District poses extreme privacy violations. The District, by forcing students to use specific computer and software in and outside of school, is infringing not only on the student's rights, but the rights of those in the vicinity. They were made aware of situations in other states where students were flagged for things said during play time with their friends, while they were doing homework, playing video games, and even just spending time with their family in their homes outside of school.
25. K.W.'s parents emailed staff of the District, in writing and including Plaintiff G.W.'s signature, asking if parents had the ability to opt out of the use of GoGuardian software. They expressed concerns about violations of privacy, as well as their right as parents to direct the upbringing and education of their children. They were informed in writing by Assistant

Superintendent of the District, Chad Scaling, that parents do not have the right to “opt out” of the use of GoGuardian software, even in their own homes.

FEDERAL JURISDICTION

26. This Court has jurisdiction over this action pursuant to federal questions related to the First (1s) Amendment, Fourth (4th) Amendment, Fifth (5th) Amendment, and Fourteenth (14th) Amendment of the United States Constitution, as well as violations of the Americans with Disabilities Act, the Rehabilitation Act, the Michigan Persons with Disabilities Civil Rights Act, the Matt Epling School Safety Act, and the Protection of Pupil’s Privacy Act. 20 U.S.C. § 1400 et seq.; 29 U.S.C. § 701 et seq.; MCL 37.1211; MCL 380.1310(b); MCL 380.1136.

27. Defendant does not have governmental immunity in these matters based on statutory language and the discrimination alleged.

28. This Court has supplemental jurisdiction over Plaintiffs’ related claims arising under state law pursuant to 28 U.S.C. § 1367(a), including violations of the Persons with Disabilities Civil Rights Act.

VENUE

29. Plaintiffs reside in Commerce Township, Michigan, which is located in Oakland County, Michigan.

30. Plaintiffs therefore reside within the jurisdiction of the Eastern District of

Michigan.

31. The District is a public educational institution, and a place of public accommodations and services, residing in or conducting business regularly in Walled Lake, Michigan.

32. Both parties reside or conduct the ordinary course of business in Oakland County, Michigan, which is part of the Eastern District of Michigan, in the Sixth Circuit.

33. Venue is proper in the United States District Court for the Eastern District of Michigan.

PARTY PLAINTIFF

34. Plaintiffs also have standing as “qualified individuals with disabilities” or being the parent or guardian of a qualified individual with disabilities, under the Americans with Disabilities Act. 42 U.S.C. § 37.1103.

35. Plaintiffs additionally have standing under the definition of a “person with a disability under the Michigan Persons with Disabilities Civil Rights Act, MCL 37.1103.

36. Plaintiffs additionally have standing on behalf of K.W., who is diagnosed with the disabilities mentioned above in this Complaint, and is fully and equally entitled to accommodations, services, and access in school.

37. As a student, K.W. had the right to not face disability discrimination, bullying, and lack of educational services and behavior support.

38. As a direct result of Defendant not complying with the laws at issue, Plaintiffs have been deprived of their rights to equal protection under the

law.

39. K.W. was denied rights, services, or accommodations entirely, because Defendant refused to provide a Free and Appropriate Public Education (FAPE) for nearly the entirety of the school year.

40. K.W.'s parents were denied rights, equal opportunity, and protections under the law as parents of a student with a disability, as well as persons entitled to access to the public services and accommodations.

41. Defendant treated Plaintiffs adversely due to K.W.'s disability and speaking up about bullying occurring in the District.

42. K.W. is a "person with a disability," and is "guaranteed...as a civil right" to obtain an education, utilize public accommodations, public services, and facilities without discrimination because of a disability. MCL 37.1102(1).

43. Defendant was mandated to accommodate K.W., a person with a disability for the purposes of public services and accommodations, and provide compliance as an educational institute under the surveillance laws in the state of Michigan.

PARTY DEFENDANT

44. Defendant is a governmental entity that is not immune to suit under the federal and state laws at issue in this case.

45. Defendant is a local educational agency that is mandated to abide by the Americans with Disabilities Act, the Rehabilitation Act, the Individuals with Disabilities Education Act, Michigan's Persons with Disabilities Civil Rights Act, Michigan's Matt Eppling School Safety Act, and Michigan's Protection

of Pupil Privacy Act. U.S. Const. amend. I; U.S. Const. amend. IV; U.S. Const. amend. V; U.S. Const. amend. XIV; Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 (2018); Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794; Persons with Disabilities Civil Rights Act, MCL 37.1101 et seq.; MCL 380.1310b, etc.

COUNT I: DISABILITY RIGHTS VIOLATIONS UNDER THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT

46. Plaintiffs incorporate paragraphs 1-45 here by reference.

47. Disability rights violations alleged include, but are not limited to, the following:

- a. Failure to conduct comprehensive evaluations under 20 U.S.C. § 1414(a)-(c).
 - i. Comprehensive evaluations assessing suspected areas of disability including social, emotional, behavioral, communication, and executive functioning were not completed for K.W. despite parents requesting such evaluations take place.
- b. Failure to address social, emotional, and behavioral needs in the Individualized Education Program (IEP) under 20 U.S.C. § 1414(d)(1)(A); 20 U.S.C. § 1414(d)(6).
 - i. K.W.'s IEP document and behavior plans fail to address K.W.'s social, emotional, sensory-motor, and behavioral

needs.

- ii. While K.W.'s parents assert that the limited evaluation that did take place was not comprehensive. Further, areas of need identified in that limited assessment were still not properly addressed nor included in the IEP and behavior plan.
- iii. K.W. has been repeatedly disciplined for behaviors stemming from his disabilities while at school, without proper analysis of the antecedents, the behaviors themselves, nor appropriate consequences.
 - 1. K.W. once fell asleep in class, a known symptom of his disabilities, and was punished by the District for doing so. There was not a discussion about how this fit into an appropriate behavior plan, and K.W. was ostracized by staff of the District.
 - 2. K.W. was once blocked by an employee of Defendant from physically leaving the classroom, in a manner that is inconsistent with best practices and behavior-informed teaching.
- c. Denial of a Free and Appropriate Public Education (FAPE) and failure to implement the IEP under 20 U.S.C. § 1412(a)(1)(A); 20 U.S.C. § 1412(a)(2)-(5).
 - i. K.W.'s accommodations from his IEP were not appropriately

nor consistently provided by the District.

1. The District's staff failed to properly implement K.W.'s IEP, causing an escalation in K.W.'s disability symptoms, signaling at best improper staff training or, at worst, an intentional disregard for K.W.'s disability rights.
 2. K.W. was denied the opportunity for a Free and Appropriate Public Education (FAPE) entirely, and as such, his accommodations were not provided.
- d. Failure to create and implement an appropriate Behavioral Intervention Plan, leading to unnecessary and unlawful removal of the student under 20 U.S.C. § 1415(k)(1)(F)(i)-(iii).
- i. K.W.'s behavior has not been appropriately tracked or documented by the District.
 - ii. There was not a proper analysis of the antecedent prior to the behavior, the behavior itself as a symptom of K.W.'s disabilities, and the appropriate consequences, as is necessary in assessing student behavior.
 - iii. Often, staff responses to K.W.'s behavior have been inappropriate, escalating the symptoms of K.W.'s disabilities and shaming K.W.
 - iv. K.W. has been the subject of inappropriate removals from the classroom and suspensions for behaviors directly related to

his disabilities. During these removals, K.W. was not given the proper curriculum, he missed out on significant classroom time, and he experienced an exacerbation of his disability symptoms.

- v. K.W. has been beside himself with sadness when he misses out on both his schooling and his friendships, both which the District intentionally interfered with in the process of K.W.'s parents asserting his rights as a student with disabilities. K.W. often describes feeling "depressed" over how he was treated by the District.
 - vi. Staff's inappropriateness in their responses to bullying and disability rights violations indicate that the staff is also improperly trained in K.W.'s specific disabilities and special education rights.
- e. Denial of Access to Nonacademic and Extracurricular Activities under 20 U.S.C. § 1412(a)(5).
- i. For disability-related behaviors, for which the District did not properly implement an appropriate behavior plan, K.W. was excluded from participation in recess as punishment.
 - ii. K.W. was also excluded from participation in recess after accidentally falling asleep in class, a symptom directly related to his disabilities.
 - iii. Disabled students, including K.W., were often subjected to

the recess instructor's order to have them stand against a "wall of shame" for the entirety of recess, denying them the opportunity to participate in this activity with nondisabled peers and making them spectacles and targets for bullying.

f. Failure to Address bullying and harassment against K.W. in violation of 20 U.S.C. § 1401(9); 20 U.S.C. § 1414(d)(3)-(4). This is also in violation of state and federal anti-bullying laws.

i. Having knowledge of K.W. facing escalating bullying incidents, the District failed to properly assess the social-emotional and behavioral impact on K.W.; failed to address this in his IEP document and in IEP meetings; and failed to provide even the bare minimum of supports to K.W. necessary to maintain his emotional and physical safety.

g. Failure to allow parental participation as meaningful members of the IEP Team in violation of 20 U.S.C. § 1414(d)(1)(B)-(d)(1)(D).

i. The District, on at least one occasion, scheduled an IEP meeting without proper notice and without parental agreement.

ii. Placement decisions for K.W. were predetermined without proper analysis, and were made before the full IEP team process began, with parents not being given the appropriate opportunity to contribute meaningfully as members of the IEP team.

- iii. The District continues to threaten to move K.W. to a more restrictive, inappropriate environment rather than creating and implementing an appropriate behavior intervention plan and providing the necessary supplementary aids, services, and supports in his current placement.
- iv. Additionally, the District informed J.R., mother of K.W., that she was no longer allowed to participate in the District's advocacy group "Foundation for Excellence" due to her "engaging in litigation" against the District—despite that condition not being listed in the bylaws for the group, and having only retained an attorney at that time.
- v. This impeded her ability to address concerns about how the District was treating her son and other students with disabilities. This also limited her participation in her son's IEP Team decisions due to the retaliation she experienced after simply retaining counsel to ask questions about her son's treatment by the District.
- h. Failure to provide procedural safeguards and consent requirements in violation of 20 U.S.C. § 1415(b)(3) and 20 U.S.C. § 1439(a)(6)-(7).
 - i. The District attempted to hold IEP meetings without parental involvement without providing adequate notice to the parents.
 - i. Failure to properly assess and place K.W. in the Least Restrictive

Environment (LRE) in violation of 20 U.S.C. § 1412(a)(5).

- i. After the parents notified the District of the bullying faced by K.W., as well as their concerns about disability rights violations, the District made threats to move K.W. to a more restrictive environment. This was done without having attempted appropriate supports and services in his present environment.
- ii. Further, the District never had K.W. return to school after his suspension, never held a Manifestation of Disability Review (MDR) meeting, and never sent materials home for K.W. for the remainder of the school year—spanning several months.
- iii. The parents of K.W. informed the District on multiple occasions that they wanted K.W. to return to school, and the District was aware that he was never unenrolled, yet the District repeatedly ignored the parents' requests for curriculum, meetings, and problem solving.

COUNT II: VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT

43. Paragraphs 1-42 are incorporated here by reference.

44. K.W. is a person with several disabilities, all of which entitle him to disability rights under the Americans with Disabilities Act. 42 U.S.C. § 12101 et seq.

45. K.W. qualifies as a person with a disability under this Act, as he is

diagnosed with several disabilities that significantly impair one or more major life functions such as regulating emotions, socializing, eating, sleeping, concentrating, and performing some activities of daily living.

45. K.W. faced discrimination in a place of public education, as he was denied an education, punished for symptoms of his disabilities, and excluded from activities by the District.

46. In their efforts to return K.W. to his typical school environment at the District, the parents contacted the District several times requesting meetings and asking for clarification as to the District's policies.

47. K.W. experienced extreme distress, loss of academic ability, and exacerbation of his disability symptoms as a result of the discrimination caused by the District.

48. K.W. and his parents were denied financial, academic, and social opportunities as a result of this discrimination, for which they are entitled economic and non-economic damages.

COUNT III: VIOLATIONS OF THE REHABILITATION ACT

49. Plaintiffs incorporate paragraphs 1-48 by reference here.

50. The District receives federal funds as a public education institution in the United States, specifically Walled Lake, Michigan.

51. The District shall not discriminate against persons with disabilities, under this Act. 29 U.S.C. § 701 et seq.

52. K.W. qualifies as a person with a disability under this Act, as he is

diagnosed with several disabilities that significantly impair one or more major life functions such as regulating emotions, socializing, eating, sleeping, concentrating, and performing some activities of daily living.

53. The District denied K.W. an education, punished him for symptoms of his disability, and socially ostracized K.W. for symptoms of his disability, such as removing him from recess or forcing him to stand on a “wall of shame” during recess.

54. K.W. missed out on academic and extracurricular or nonacademic opportunities, in violation of The Rehabilitation Act.

55. As a result of the violations caused by the District, K.W. experienced extreme economic and noneconomic damages.

56. Without a resolution to these issues, the actions or inactions by the District will lead to irreparable harm.

COUNT IV: VIOLATIONS OF FIRST AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION

57. Plaintiffs incorporate paragraphs 1-56 here by reference.

58. In the summer of 2026, the District notified parents via email that all students would be required to use Chromebook computers with GoGuardian software.

59. During this time, the parents contacted the District with questions about a new District policy that students would be required to use a Chromebook computer with GoGuardian software.

60. The parents, having seen public and legal discourse around the privacy issues of GoGuardian being used on school-required computers, contacted the District to inquire about the policy, and whether they are allowed to “opt out.” The parents reiterated to the District that they were concerned their child and other students with disabilities would be subjected to violations of privacy and disability rights related to the use of GoGuardian and similar software or applications.

a. These concerns specifically pertain to issues included but not limited to:

1. The software listening, recording, or flagging student and family speech in the home outside of school hours;
2. How misunderstandings about statements made by students with disabilities could lead to due process and constitutional violations;
3. How this software, and other software required by the District, share data with agencies that have demonstrated a propensity for harming students and families;
4. How parents have the right to protect the privacy rights of their children and reasonably direct the education of their children;
5. How families engaging in litigation with the District

could have their free speech and legal privacy rights violated during such litigation; and

6. How this software does not have to be used to determine whether students use Artificial Intelligence (AI) or other resources to source their homework and contributions.

61. The District informed the parents that there is no ability for parents to “opt out” of the software.

62. GoGuardian and similar programs have raised national and local concerns about privacy violations and disability discrimination.

63. These concerns stem from instances where the software identified what students were saying outside of the classroom, flagged the protected speech, and then notified schools and/or police. This has led to students facing wrongful juvenile court involvement, disability rights violations, etc. and parents have valid reasons for wishing to opt out of this invasive intrusion.

64. Not allowing these Plaintiffs and other parents to opt out of such intrusions subjects family members who are non-students to electronic monitoring while the student is utilizing his computer and GoGuardian in the home and to violations of protected speech and privacy rights.

65. Further, this intrusion of privacy also limits the ability for anyone in the vicinity of the laptop—whether that is at home while the student is doing

homework, or just sitting in a student's bedroom—to exercise their right of free speech.

66. Additionally, K.W.'s mother, J.R., was denied the right to assemble in a parent advocacy group because the District feared her “engaging in litigation,” which had not yet occurred. This was not a rule in the bylaws of the group, and punished J.R. for exercising her First Amendment right to assemble and speak freely.

67. These violations of the First Amendment of the United States Constitution caused tremendous strain on Plaintiffs, and if they continue, will continue to cause irreparable harm.

COUNT V: VIOLATIONS OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

68. Plaintiffs incorporate paragraphs 1-67 by reference here.

69. The Fourth (4th) Amendment of the United States Constitution protects individuals from unreasonable searches and seizures of their persons, home, documents, and other personal effects. U.S. Const. amend. IV.

70. The District's use of GoGuardian software would search persons, homes, documents, and other personal effects owned by Plaintiffs, without a warrant or cause.

71. GoGuardian utilizes technology which would always listen to its surroundings, and notify the District and the police if certain phrases or language is used.

72. With Plaintiffs being told they are not allowed to “opt out,” they are being forced to undergo near-constant unreasonable searches of their homes and persons, outside of the school day, any time K.W. is using or has his school Chromebook around the family. This subjects all individuals in the home to unnecessary searches and seizures of communications to local authorities and the District.

73. This operates in violation of Plaintiffs’ Fourth (4th) Amendment rights against unreasonable searches and seizures.

74. Plaintiffs would be caused irreparable harm, economic, and noneconomic damages if this violation and intrusion continues by the District.

75. The District also has caused harm, economic, and noneconomic damages by indicating that K.W. could not return to school unless he used his school Chromebook with GoGuardian software.

COUNT VI: VIOLATIONS OF THE FIFTH AMENDMENT

76. Plaintiffs incorporate paragraphs 1-75 by reference, here.

77. The Fifth Amendment of the United States Constitution establishes multiple protections applicable to both civil and criminal proceedings. It mandates that no citizen be deprived of life, liberty, or property without due process of law, and requires just compensation when private property is taken for public use. U.S. Const. amend. V.

78. The District is attempting to subvert K.W., other students', and their families' rights of protection against self-incrimination, as the required software is always "listening" to the conversations of those around the computer using the software. Parents engaged in litigation with schools would have their privacy rights violated as well. However, significantly, it limits the liberty and property interests without due process of law.

79. The use of GoGuardian software additionally makes public use of private property, when parents are not given the opportunity to opt out of its use in their homes. Parents are being forced to give away their Fifth (5th) Amendment rights when the District requires surveillance software to be used in their homes.

80. There are multiple reports of GoGuardian falsely or wrongfully notifying law enforcement, school districts, and others regarding words overheard or used while outside of school. The behaviors are ripe for misinterpretation, and can lead to life-altering effects for the students and their families.

COUNT VII: VIOLATIONS OF THE 14TH AMENDMENT TO THE UNITED STATES
CONSTITUTION

81. Plaintiffs incorporate paragraphs 1-80 by reference here.

82. The Fourteenth (14th) Amendment states the following:

j. *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United*

States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. 14.

83. Plaintiffs were born in the United States, and are citizens of the United States.

84. The District is an entity of the State of Michigan which is required to ensure that the constitutional rights of its students are not violated, and that students with disabilities do not face discrimination.

85. The parents of K.W. assert that their rights have been violated by depriving them of use of their property, life, as well as their liberty interests through the use of the GoGuardian software without the ability to opt out.

86. Additionally, Plaintiffs contend that they and K.W. are being deprived of due process of law under the 14th Amendment in a number of ways including, but not limited to, constructive removal and interference with K.W.’s right to receive a Free and Appropriate Public Education; as well as violating the parental rights to direct the care, custody, and education of their children. When parents are forced to have surveillance in their home and on their child’s computer, their privacy and parental rights are violated.

87. Until this inability to opt out of the use of GoGuardian and similar surveillance software is struck down by an order of this Honorable Court, these rights will continue to be violated and cause significant harm from economic and noneconomic damages.

COUNT VIII: Violation of Michigan's Protection of Pupil Privacy Act under
MCL 380.1136

88. Plaintiffs incorporate paragraphs 1-87 here by reference.

89. Under this Act, to protect pupil privacy, the superintendent of public instruction shall ensure the law is followed. MCL 380.1136(1).

90. Under this Act, "the department...shall not sell any information that is part of a pupil's educational records." MCL 380.1136(1)(a).

- a. The District has entered into a contract for use of GoGuardian software, which provides or will provide information that is part of a pupil's educational record with GoGuardian and local authorities.

91. "At least 30 days before initiating the collection of any pupil data elements in addition to those already disclosed...the department...shall post on its website a notice of the additional pupil data elements it is proposing to collect and an explanation of the reasons for the proposal." M.C.L. 380.1136(1)(c).

- a. At the time of the drafting of this Complaint, such notice is not posted on the District's website.

92. Defendant is mandated to “ensure that any contract it has with a vendor that allows the vendor access to education records contains express provisions requiring the vendor to protect the privacy of education records and provides express penalties for noncompliance.” M.C.L. 380.1136(1)(e).

- a. The District has not provided any contractual evidence that demonstrates express provisions requiring the vendor to protect the privacy of education records, nor does it provide express penalties for noncompliance.

93. This Act further mandates that if the Defendant were to provide any “personally identifiable information concerning a pupil that is collected or created by the department...as part of the pupil’s education records to any person other than the school district...or authorizing body...or the pupil’s parent or legal guardian, then the department or CEPI shall, if the pupil is under 18 years of age...disclose to the pupil’s parent...upon his or her written request...specific data fields that were disclosed...the name and contact information of each person, agency, or organization to which the information has been disclosed...the reason for the disclosure” and other specified information. MCL 380.1136(1)(f)(i-iii).

- a. The District has not disclosed to its pupils’ parents specific data fields, nor the name and contact information of each person, agency, or organization, nor the reasons for the disclosures.

- b. K.W.'s parents have requested this information in writing—and were only told that they could not “opt out.”

94. This Act specifies that a school district, intermediate school district, public school academy, educational management organization, or an authorizing body shall not “sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a pupil’s educational records.” MCL 380.1136(2)(a).

- a. The District is providing to GoGuardian, a for-profit business entity, personally identifiable information that is part of a pupil’s educational records.

95. Further, under this Act, the superintendent has a requirement to ensure privacy laws are followed. MCL 380.1136(5).

- a. Without due diligence, the District’s Superintendent and Deputy Superintendent have not ensured that privacy laws are followed.

96. Under the law, school districts, including Defendant, shall “develop an opt-out form that lists all of the uses or instances under subdivision (a) and allows a parent or legal guardian to elect not to have his or her child’s directory information disclosed” for the uses specified in the Act; and if parents present this signed and submitted to the school district, such a district or authorizing body “shall not include the pupil’s directory information in any of the uses that have been opted out of in the opt-out form. MCL 380.1136(6)(b-d).

- a. The District has expressly indicated in writing to K.W.'s parents that they are not allowed to "opt out," indicating that no opt-out form exists and there are no procedures for parents to elect to not have his or her child's directory information disclosed.

COUNT IX: Violations under Michigan's Persons with Disabilities Civil Rights Act

97. Plaintiffs incorporate paragraphs 1-96 here by reference.

98. MCL 37.1101 et seq., declares that "the opportunity to fully and equally utilize public accommodations, public services, and educational facilities without discrimination because of a disability is guaranteed by this act and is a civil right." MCL 37.1102(1).

- a. K.W. and his parents have been denied the opportunity to fully and equally utilize the District's public accommodations, services, and educational facilities without discrimination.
- b. As previously detailed in this Complaint, the parents and K.W. were denied access to an education, access to facilities, and access to other services after attempting to enforce safety and disability rights protections.

99. It further states that a person shall have "the opportunity to fully and equally utilize "public accommodations, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship." MCL 37.1102(2).

- a. Not only does the District have the duty to provide these services, the accommodations requested by K.W., as well as access to curriculum while the student was suspended, would not cause an undue hardship for the District.

100. The law dictates that a “person with a disability” means an individual who has [o]ne or more disabilities,” which are defined under this Act as “a determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic...substantially limits one or more major life activities.” MCL 37.1103(d).

- a. K.W. is diagnosed with a variety of disabilities, as previously mentioned in this Complaint, which include but are not limited to ADHD, PANDAS, ODD, etc.
- b. These disabilities are of physical or mental in nature, and substantially limit many of K.W.’s major life activities, such as focusing and concentrating, regulating emotions, sleeping, eating, learning, and more.

101. The Act also states that the individual’s disability must be “unrelated to the individual’s ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution,” with or without accommodations for disability. MCL 37.1103(C-D).

- a. K.W.'s disabilities, if properly accommodated, are unrelated to his ability to utilize and benefit from educational and other opportunities and facilities.

102. K.W. and his parents have been harmed economically and noneconomically by these violations of disability rights, causing pain, embarrassment, humiliation, and extreme distress.

103. These economic and noneconomic damages were caused by the actions or inactions of the District. The District ignored the rights of K.W. and his parents, blatantly disregarded their attempts to address these issues, and failed to provide educational resources or support services for K.W. for nearly the entirety of the 2025-2026 school year.

COUNT X: Violations of Michigan's Matt Epling Safe School Law under
MCL 380.1310b

104. Plaintiffs incorporate paragraphs 1-104 here by reference.

105. The Matt Epling Safe School Law requires school districts to have policies prohibiting, reporting, and addressing bullying in schools. MCL 380.1310b.

105. Under this law, the board of a school district shall adopt and implement policies, and prior to any modifications to the policy, the board shall hold at least one (1) public hearing, unless the policy was implemented before 2015 and is in compliance with the law. MCL 380.1310b(2)-(3).

106. This law requires educational programs on “preventing, identifying, responding to, and reporting incidents of bullying.” MCL 380.1310b(5)(c).

- a. The District does not have a clear policy for preventing, identifying, responding to, and reporting incidents of bullying appropriately.
- b. When K.W. reported bullying, the District failed to respond to and report incidents of bullying which were corroborated by another student witness.

107. A parent or guardian, who reports bullying in good faith, and makes this report in compliance with the law, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy that reported incident— however, the law specifies that this does not apply to a school official who is “designated...or responsible for remedying the bullying, when acting in that capacity.” MCL 380.1310b(8).

- a. The District, and its employees, are thus not immune from liability.

108. Additionally, this law states that the department shall “establish a form,” “procedure,” and policy for reporting and confidentially addressing bullying that arises at school, without retaliating against a target of bullying, a witness, or other individuals with information about the bullying. MCL 380.1310b.

- a. The District not only failed to act to address the bullying, but violated confidentiality by disclosing information and pressuring the witness to the bullying to no longer associate with K.W. No appropriate

policy or procedure was implemented, and K.W. faced significant retaliation for reporting the bullying.

WHEREFORE, Plaintiffs respectfully request that the Court enact and enforce a Temporary Restraining Order or Preliminary Injunction issued to the District to prevent ongoing, irreparable harm and violations of rights regarding the inability for parents to opt out of GoGuardian or similar surveillance, and grant damages in excess of \$25,000 as this Honorable Court deems just. FRCP 65(a)(1)-(d). Plaintiffs assert that the balance of equities tip in their favor, and the injunction is in the interest of the public.

Respectfully submitted,

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/s/ Ashley Jacobson

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