

<b>RETURN DATE: JANUARY 7, 2025</b>	:	<b>SUPERIOR COURT</b>
	:	
<b>ALEYSHA ORTIZ</b>	:	<b>J.D. OF HARTFORD</b>
	:	
<b>V.</b>	:	<b>AT HARTFORD</b>
	:	
<b>HARTFORD BOARD OF EDUCATION,</b>	:	
<b>CITY OF HARTFORD, AND</b>	:	
<b>TILDA SANTIAGO</b>	:	<b>DECEMBER 10, 2024</b>

### **COMPLAINT**

1. At all times mentioned herein, the Plaintiff, Aleysha Ortiz, was a student at the Hartford Public High School, located at 55 Forest Street in Hartford, Connecticut.
2. At all times mentioned herein, the Defendant, Hartford Board of Education (hereinafter “the Board”), was a governmental body and political subdivision of the State of Connecticut charged with overseeing, operating, and maintaining the public school system in Hartford, Connecticut pursuant to General Statutes § 10-220, et seq.
3. At all times mentioned herein, the Defendant, City of Hartford, was a municipality and political subdivision created and existing in the State of Connecticut pursuant to Connecticut law and acting through its duly authorized agents, officers, and/or employees.
4. At all times mentioned herein, the Board, by and through its agents, officers, and/or employees, owned, operated, maintained, possessed, and controlled the Hartford Public High School.
5. At all times mentioned herein, the Board owed statutory duties to the students at its public schools, including the duty to maintain public schools within its jurisdiction in a reasonably safe environment for students.
6. At all times mentioned herein, the Plaintiff was a student to which the Board and its agents, officers, and/or employees owed a special duty of care.
7. At all times mentioned herein, Leslie Torres-Rodriguez was the Superintendent of Hartford Public Schools and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment.
8. At all times mentioned herein, Flora Padro was the Principal at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment.
9. At all times mentioned herein, Elvis Minga was an Assistant Principal at Hartford Public High School and was an agent, officer, and/or employee of the Board and was

acting in the performance of his duties and within the scope of his employment.

10. At all times mentioned herein, Tilda Santiago was a special education case manager and special education teacher at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment.

11. At all times mentioned herein, Norma Reyes was a special education case manager and special education teacher at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment.

12. At all times mentioned herein, Noreen Trenchard was the acting director of special education for Hartford Public Schools and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment.

13. At all times mentioned herein, Frank Giannini was a teacher at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of his duties and within the scope of his employment.

14. At all times mentioned herein, Michael Suppicich was a teacher at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of his duties and within the scope of his employment.

15. At all times mentioned herein, Andrea Crittenden was a college and career specialist at Hartford Public High School and was an agent, officer, and/or employee of the Board and was acting in the performance of her duties and within the scope of her employment

16. At all times mentioned herein, the Board maintained written policies, rules, and/or regulations setting forth procedures for reporting and handling bullying and harassment, including but not limited to Policy Nos. 4118.3 and 4118.8.

17. Policy Nos. 4118.3 and 4118.8 set forth a prescribed manner of action that school officials must take when they have reasonable cause to suspect or believe that a student is being bullied or harassed.

18. At all times mentioned herein, General Statutes § 10-222d also set forth prescribed manners of action that school officials must take with regards to bullying.

19. At all times mentioned herein, the Board maintained written policies, rules, and/or regulations setting forth procedures for the reporting and handling of suspected abuse or neglect of students, including but not limited to Policy No. 4118.21(a).

20. Policy No. 4118.21(a) set forth a prescribed manner of action that school officials

must take when a school official has reasonable cause to suspect or believe that a student is being abused or neglected.

21. General Statutes § 17a-101 et seq. also set forth a prescribed manner of action that mandated reporters such as school officials must take when a school official has reasonable cause to suspect or believe that a student is a victim of abuse or neglect.

22. Compliance with the actions as set forth in the aforementioned policies and statutes are duties which are ministerial in nature because the actions are set forth in a prescribed manner that leaves no room for individual judgment or discretion.

23. The Plaintiff was a student in Hartford Public Schools from first grade through twelfth grade.

24. The Plaintiff was eligible for special education with a specific learning disability from first grade through twelfth grade.

25. In first grade, the Plaintiff's special education teacher reported that the Plaintiff did not read any sight words and that she had difficulty with letter, sound and number recognition.

26. The Plaintiff's learning disabilities were not properly addressed by the Board, and as a result, she continued to struggle academically and began exhibiting maladaptive behaviors in the classroom.

27. The Plaintiff's education file showed deficits in her foundational verbal knowledge, limited adaptive coping mechanisms for weaknesses, and that limitations in language may have been impacting all aspects of her functioning.

28. The Plaintiff continued to struggle with speech, functional communication, reading, and writing throughout elementary school and middle school, and none of these areas were adequately addressed by the Board and/or schools.

29. The Plaintiff suffered physical abuse and seclusion in school at a young age by school employees responding to her maladaptive behaviors stemming from her inability to communicate.

30. In sixth grade, evaluations showed that the Plaintiff's reading ability and most other academic skills were at a kindergarten or first-grade level. Evaluations noted that "expressions of frustration, deflated self-esteem and hopelessness were clearly imprinted in her body position, gestures and overall demeanor," and that the Plaintiff was at high risk for depression, withdrawal and learning problems.

31. Despite the Plaintiff's education file being replete with opinions, testing, and evaluations that indicated major learning impairments, these impairments were never adequately addressed, and her struggles continued into high school where she was still

unable to read or write.

32. In ninth grade, evaluations noted that the Plaintiff gave up easily and that she presented younger than her age socially and emotionally. Further, a speech and language evaluator noted that the Plaintiff's language skills were significantly below average. Testing continued to reveal major deficiencies in these areas.

33. Despite reported concerns, clear indicators of the Plaintiff's academic struggles, and no meaningful progress, the Board and/or school made no significant changes to the Plaintiff's academic programming to address her significant language and literacy skill deficits in ninth, tenth or eleventh grade.

34. The Plaintiff was determined to make academic progress and ensure that she was able to get into college and lead a successful life. In or around eleventh grade, she dedicated most of her free time to academics, used assistive technology to help her read and write, and advocated for herself tirelessly in school.

35. On May 23, 2023, near the end of the Plaintiff's junior year, the school social worker wrote a report detailing the Plaintiff's struggles, which stated that the Plaintiff:

- a) consistently and persistently advocated for reading and writing supports;
- b) reported that she could not write and could barely hold a pencil;
- c) reported that she struggled to sit and write in class;
- d) that she had to take work home to use talk to text on her computer;

and that all of this was significantly impacting the Plaintiff's self-esteem and causing her anxiety.

36. During twelfth grade, the Plaintiff continued the hard work and advocate her herself but still failed to make meaningful academic progress. This was recognized by many teachers and/or school employees who suggested that she get tested for dyslexia.

37. The Plaintiff had to initiate requests and relentlessly pursue dyslexia testing with her special education case managers without success.

38. In twelfth grade, during this period of fierce advocacy for proper testing and educational programming, in one of the Plaintiff's psychological evaluations, the evaluator noted that "there was no evidence of a speech impairment" while speech and language evaluations done at the same time produced scores in the "severe" and "very low" ranges and found that she presented with a communication disorder characterized by decreased articulation skills and reduced receptive and expressive language skills.

39. During a PPT meeting on March 8, 2024, approximately three months before graduation, the Board, through its agents, said that it would discharge the Plaintiff from special education services upon her graduation and once again did not make any changes to her programming.

40. After the PPT meeting on March 8, 2024, the Plaintiff continued to pursue testing for dyslexia. The Plaintiff's special education case manager told her that it was too late for such testing and that students are usually referred for such testing in elementary school, leading the Plaintiff to feel as though it was too late for her.

41. In May 2024, the Plaintiff reported to her case manager and PPT that she had been accepted and planned to attend the University of Connecticut after graduation. She told them that she was concerned that she was not prepared for college and would not be able to obtain the accommodations she would need in college to be successful due to the Board's refusal to permit proper testing. She was concerned that her inability to read and write, even at an elementary level, would impact her ability to be successful in college.

42. It wasn't until approximately one month before graduation that the Board agreed to conduct additional testing that the Plaintiff had been asking for. The evaluations were not completed until June 14, 2024 – the last day of school. The PPT met on the last day of school to review the results with the Plaintiff.

43. In summary, the reading evaluation concluded that the Plaintiff had not mastered a number of foundational reading skills and that she required explicitly taught phonics, fluency and reading comprehension – none of which she ever received during her time as a student in the Hartford Public School system.

44. The systemic failures, disorganization, unreasonable delays, and treatment of the Plaintiff throughout this process as graduation approached put an undue and unreasonable amount of stress on the already susceptible and vulnerable Plaintiff.

#### **COUNT ONE: Negligent Infliction of Emotional Distress v. Tilda Santiago**

1-44. Paragraphs 1 through 44 of the Complaint are hereby made Paragraphs 1 through 44 of Count One and are incorporated by reference as if more fully set forth herein.

45. Tilda Santiago was the special education case manager assigned to the Plaintiff during her junior year, approximately September 2022 through May 2023.

46. Between December 2022 through approximately May 2023, Tilda Santiago subjected the Plaintiff to repeated bullying and harassment.

47. Tilda Santiago's bullying and harassment included but was not limited to the following:

- a) She exhibited controlling and possessive behaviors when it came to other teachers that would speak to or help the Plaintiff and would raise her voice and engage in conflict with those teachers;
- b) She would stalk the Plaintiff inside of the school during school hours;

- c) She would yell at, belittle, ridicule, and humiliate the Plaintiff in front of other students and teachers;
- d) She would alter other teachers' submissions regarding the Plaintiff's attendance to mark the Plaintiff absent from classes that she had been marked present for;
- e) She would verbally abuse and intimidate the Plaintiff;
- f) She would belittle and ridicule the Plaintiff with regard to the Plaintiff's learning disabilities.

48. The aforementioned conduct of Tilda Santiago was sufficiently severe, persistent, and pervasive and affected the Plaintiff's ability to participate in or benefit from school.

49. The aforementioned conduct of Tilda Santiago was expressly forbidden pursuant to Board Policies 4118.8 and 4118.3 and by General Statutes § 10-222d.

50. The Plaintiff reported Tilda Santiago's conduct to Principal Flora Padro, Assistant Principal Elvis Minga, and other teachers and administrators.

51. The Plaintiff would frequently run to other teachers and/or administrators in tears and emotional distress as a result of Tilda Santiago's conduct.

52. Upon information and belief, other teachers and/or staff observed and reported Tilda Santiago to administrators.

53. As a direct and proximate result of the aforementioned conduct, the Plaintiff:

- a) suffered psychological and emotional injuries, some or all of which may be permanent in nature.
- b) has incurred expenses for treatment/counseling and will likely incur additional expenses for such treatment/counseling in the future.
- c) has been prevented from and deprived of the opportunity to fully enjoy her childhood.
- d) suffered a loss in her capacity to enjoy life's activities and will continue to suffer in the future.

54. In February 2023, because of the relentless bullying and harassment by Tilda Santiago, the Plaintiff experienced suicidal ideation and suffered an emotional breakdown and put herself at extreme risk when she opened the door of a moving vehicle.

55. As a result of the suicidal ideation and dangerous behavior, the Plaintiff's therapist

developed a safety plan.

56. Tilda Santiago's conduct created an unreasonable risk of causing the Plaintiff emotional distress.

57. The severe emotional distress suffered by the Plaintiff was foreseeable.

58. Tilda Santiago was aware of the Plaintiff's disabilities and pre-existing conditions that made her especially vulnerable and more likely to be harmed by the aforementioned conduct.

### **COUNT TWO: Negligence (§ 52-557n) v. Hartford Board of Education**

1-44. Paragraphs 1 through 44 of the Complaint are hereby made Paragraphs 1 through 44 of Count Two and are incorporated by reference as if more fully set forth herein.

45-52. Paragraphs 45-52 of Count One are hereby made Paragraphs 45 through 52 of Count Two and are incorporated by reference as if more fully set forth herein.

53. Despite the reports to administration, nothing was done to timely and adequately address Tilda Santiago's inappropriate and prohibited conduct, except that Assistant Principal Minga removed Tilda Santiago as the Plaintiff's case worker approximately four weeks before the end of the 2022-23 school year because of the dysfunctional relationship between Tilda Santiago and the Plaintiff.

54. Between December 2022 through July 2024, the Plaintiff suffered numerous episodes of bullying, as defined by General Statutes § 10-222d (a)(1) and Board Policy 4118.8, during school hours by school employees at Hartford Public High School.

55. Between December 2022 through July 2024, the Plaintiff suffered ongoing harassment, as defined by Board Policy 4118.83 during school hours by school employees at Hartford Public High School.

56. Between December 2022 through July 2024, the Plaintiff was verbally abused and/or neglected by the Board, its agents, officers, and/or employees.

57. The school employees and/or officials that bullied, harassed, and/or neglected the Plaintiff, include but are not limited to: Tilda Santiago, Norma Reyes, Noreen Trenchard, Frank Giannini, Michael Suppicich, and Andrea Crittenden.

58. The involved teachers and administrators were aware of the Plaintiff's disabilities and pre-existing conditions that made her especially vulnerable and more likely to be harmed by the aforementioned conduct.

59. Norma Reyes was the special education case manager assigned to the Plaintiff during her senior year, approximately September 2023 through June 2024.

60. Many times during her senior year, the Plaintiff reported issues and concerns with Norma Reyes including how Ms. Reyes was treating her and that Ms. Reyes was not fulfilling her duties as a case manager. The Plaintiff made these reports to other teachers, staff, and administration.

61. The Plaintiff reported that Ms. Reyes was constantly making statements to the Plaintiff about knowing that the Plaintiff did not like her when the Plaintiff would go to her for case work duties. Ms. Reyes would also tell the Plaintiff that she could read when the Plaintiff reported her inability to read. The Plaintiff told administrators that the chiding comments were negatively affecting her.

62. Teachers, staff, and administration were aware of and acknowledged the Plaintiff's heightening anxiety as graduation approached and were aware that the Plaintiff was experiencing emotional distress.

63. Teachers, staff, and administration knew that the Plaintiff had a disability and/or disabilities that made her more vulnerable and susceptible to harm from anxiety and emotional distress.

64. By May of 2024, school administration knew that the relationship between Norma Reyes and the Plaintiff was putting the Plaintiff at risk of imminent harm of extreme emotional distress and aggravation of her underlying conditions.

65. Despite the risk of imminent harm, the administration did not take any action to protect the Plaintiff from it, including but not limited to switching case managers.

66. As a direct and proximate result of the aforementioned conduct, the Plaintiff:

- a) suffered psychological and emotional injuries, some or all of which may be permanent in nature.
- b) has incurred expenses for treatment/counseling and will likely incur additional expenses for such treatment/counseling in the future.
- c) has been prevented from and deprived of the opportunity to fully enjoy her childhood.
- d) suffered a loss in her capacity to enjoy life's activities and will continue to suffer in the future.

67. The Plaintiff's injuries were caused by the negligence of the Board, its agents, officers, and employees in that it/they:

- a) Failed to take any effective action to protect and/or save the Plaintiff from the ongoing bullying, harassment, and/or neglect by school officials and/or



employees;

- b) Failed to report, investigate, and/or respond to reports of bullying as set forth in General Statutes § 10-222d;
- c) Failed to report, investigate, and/or respond to reports of bullying as set forth in Board Policy No. 4118.8;
- d) Failed to report, investigate, and/or respond to reports of harassment as set forth in Board Policy No. 4118.3;
- e) Failed to report suspected abuse and/or neglect of the Plaintiff, and otherwise failed to satisfy the affirmative burden imposed upon it/them by General Statutes § 17a-101 et seq.;
- f) Failed to act in compliance with other statutes, policies, rules, ordinances and directives that clearly imposed ministerial standards;
- g) Failed to take proper action when it/they knew that a failure to do so would likely subject the Plaintiff to imminent harm;

**COUNT THREE: Negligence (§ 52-557n) v. City of Hartford**

- 1-44. Paragraphs 1 through 44 of the Complaint are hereby made Paragraphs 1 through 44 of Count Three and are incorporated by reference as if more fully set forth herein.
- 45-52. Paragraphs 45-52 of Count One are hereby made Paragraphs 45 through 52 of Count Three and are incorporated by reference as if more fully set forth herein.
- 53-67. Paragraphs 53-67 of Count Two are hereby made Paragraphs 53 through 67 of Count Three and are incorporated by reference as if more fully set forth herein.
- 68. At all times mentioned herein, the Board was and acted as an agent of the City of Hartford.
- 69. At all times mentioned herein, the Plaintiff was a resident of the City of Hartford.

WHEREFORE, the Plaintiff claims:

- 1. Compensatory damages; and
- 2. Such other relief as the Court deems equitable and just.

THE PLAINTIFF,  
ALEYSHA ORTIZ

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**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand, exclusive of interest and costs, is greater than  
Fifteen Thousand Dollars (\$15,000.00).

THE PLAINTIFF,  
ALEYSHA ORTIZ

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