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Today we filed a lawsuit on behalf of James Anthony Scott a.k.a. "Shear" against the Los Angeles Unified School District. (LAUSD)

On August 13, 2013 "Shear" a 15 year old gay teen, became a sophomore at Daniel Pearl Magnet School, part of LAUSD. Almost immediately he observed that an autistic student was being harassed and bullied by his peers. Shear complained to a school administrator, but Shear felt that nothing was done about the bullying.

Shear, however, then began experiencing unrelenting bullying and harassment himself and filed grievances outlining the harassment, name calling, bullying and abuse.

The students directed epithets, slurs and name-calling at Shear such as "hermaphrodite", "tranny", "tran", "nigger" and "faggot". An administrator refused to investigate the harassment and told Shear that he should just "let it run off your back."

By late October 2013 the bullying and harassment of Shear had escalated significantly. Shear made another report regarding the harassment to which both

he and the autistic student were being subjected.

The situation continued to worsen. As Shear walked the halls, during class and throughout the day, he would hear the students' hurtful name-calling intensify: "hermaphrodite," "tranny," "transvestite" and "faggot." An administrator dismissed Shear's grievances with, "This is an open environment, there is no hatred."

Shear's mother, repeatedly called and emailed the school with minimal response as Shear was coming home very upset and distraught, couldn't sleep and was unable to focus throughout the day. She told the administrator that Shear was being threatened and nothing was being done despite her continual requests to protect her son. Later that month students started physically poking Shear, pulling his hair, spitting on him and were intentionally tripping him as well as continuing with the name-calling, threats and bullying directed at him.

The situation had escalated to an untenable degree by November 2013. Shear again reported to the school but the response was that there were no cameras in the halls and thus "no way to prove anything." With emphasis, the administrator called the incidents "alleged" as if Shear was not credible. The next day the administrator told Shear that the bullies would have to go to the Be More Heroic Club - however only one of the eight students, allegedly required to attend, actually showed up.

On November 8, 2013, Shear was tripped, shoved around the hall and pushed from one side of the hall to another suffering pain.

Before Thanksgiving, the students were given an optional exercise - to write what they were thankful for on a paper leaf. A leaf had been stuffed into Shear's locker that said "fagot" on it. Shear told the administrator about the leaf that said fagot on it. In a mocking fashion the administrator then taped a leaf on her badge that said "fagot" on it and had everyone in the office do the same. Shear alleges that the administrator said "I'm wearing it with pride! We all are!" treating the threat against Shear as if it were a joke.

On November 27th 2013, the Wednesday prior to Thanksgiving, an administrator told Ms. Baker "quit babying Shear" and "Shear is making up stories and Shear's perception is wrong." By this time Shear was experiencing severe anxiety, panic attacks and was in fear for his safety. Shear was treating with his physician, was put on medication and was unable to focus. After a brief leave, Shear returned to school and was almost immediately purposefully tripped falling to the floor. He had numerous panic attacks throughout the day. Shear was told that the students wanted to meet with him. The students admitted that they used words like faggot, tranny, and profanity - but that their name-calling was "not directed at Shear". An administrator allegedly told Shear "They have a right to

laugh and joke around." "These are their high school years" "They have a right to freedom of speech." Further she said, "You have no right to be offended and no harm was done."

Shear's mother called the District demanding Shear's protection. On December 9, 2013 there was a meeting with school and District personnel to work on a safety plan. The administrator allegedly insisted that the school had forwarded Shear's complaints to the District. A representative of the District allegedly stated "No, those things do come across my desk and I have nothing."

Also in December 2013, Shear found a threatening note in his locker that said "GET OUT FAGOT! OR DIE!"

Final Exams were the week of December 16, 2013. Shear was still extremely upset as only after the District was called did the school comply with the agreement finally giving him a separate room where he could take his exams. This offered no relief however as the security guard was not present as was proscribed and students came by banging on the door, scaring him and disrupting his concentration. Also, during the week of Final Exams, an incident occurred whereby a car jumped the curb as if to run Shear and his mother over who were walking to school. A student later said to him, "Oh, we didn't get any tire marks on you?" His grades suffered tremendously. Prank calls were occurring at his home

and there was banging (and running away) at his front door. Shear was told a student in the office gave his phone number and address to the offending bullies.

The extreme harassment escalated such that Shear could no longer attend school, because of his fear for his physical safety. He was unable to avail himself of the benefits of education. As of January 2014, Shear transferred to the Opportunities for Learning School in Studio City where he is succeeding, but is still feeling the emotional debilitation and repercussions from the treatment he was subjected to at Daniel Pearl Magnet School.

As a result of LAUSD's failure to protect Shear we have filed a lawsuit today against the school district.

We allege that Shear has been discriminated against on account of his sexual orientation, that he has been harassed because of it, that LAUSD was negligent in their duty to protect Shear and insure his safety despite numerous complaints by Shear of egregious bullying and harassment because of his sexual orientation.

We are seeking damages according to proof at trial.

Shear was very brave to stand up to other students who were bullying an autistic child, and we are very proud of him and his courage in doing that.

As a result of his heroism, however, he became the victim of bullying.

He then continued to do the right thing by reporting the bullying he suffered because he is gay to the authorities in charge at his school.

Unfortunately, however, those adults to whom he reported his bullying not only failed to do what was necessary to stop the bullying, but they also appeared to make fun of it by wearing copies of the leaf that says “Fagot.”

What Shear suffered was no joke and the word faggot on the leaf in his locker was directed at him to hurt him, not to make him feel pride in being gay.

When Shear saw administrators wearing copies of that leaf at school, he did not feel pride. Instead he felt further humiliated.

We hope that our lawsuit will result in LAUSD improving their policies and practices so that they effectively protect students from bullying in their schools.

This Sunday is the Christopher Street Gay and Lesbian Pride Parade in West Hollywood. Shear and his mom, Amber Baker will be riding in it with me in my car.

We expect that he will be welcomed as a hero for standing up against discrimination and we look forward to asserting and vindicating his rights in a court of law.

Gloria Allred

Attorney at Law

Representing Shear Avory and Amber Baker

June 5, 2014