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LISA M. PREMOCK, Plaintiff, vs. HIGH POINT REGIONAL HIGH SCHOOL BOARD OF EDUCATION, SUPERINTENDENT SCOTT RIPLEY, JONATHAN TALLAMY and JOHN DOES 1-5, Defendant(s).	SUPERIOR COURT OF NEW JERSEY LAW DIVISION : SUSSEX COUNTY DOCKET NO.: SSX-L- *CIVIL ACTION* **COMPLAINT AND JURY DEMAND**

Plaintiff residing in the Borough of Milford, County of Pike, State of Pennsylvania by way of Complaint against the Defendants herein states:

BACKGROUND

1. For more than 21 years, Plaintiff was a Special Education Teacher, with 6 of those years as the Multiple Disabilities Program Teacher at High Point Regional High School; she has a Master's Degree in Special Education.

2. Over the years, Plaintiff reasonably believed that High Point Regional High School's conduct violated laws, regulations and clear mandates of public policy. Specifically, Plaintiff points to numerous violations in accordance with the Americans for Disabilities Act, N.J.A.C. 6A:14 and N.J. Special Educate Code.

3. Plaintiff, on a continuing basis, pointed out, complained and made use of every possible way to improve the education of the disabled children under her care.

4. Plaintiff contends that High Point Regional High School had numerous violations in accordance with the Americans of Disabilities Act and N.J.A.C. 6A:14 New Jersey Special Education Code including: not providing Right to Transition Services (preparing for life beyond high school) from

15 to 21 years of age; not providing access to a Transition Coordinator; not providing home instruction when students are absent for long periods of time; not having the choice to have regular school hours like their regular education peers; not having related therapy services such as the Commission of the Blind for a student in the multiply handicapped room; not having the ability to choose course electives like their peers; not having Assistive Technology evaluations that would help foster communication with students who were non-communicative (this would better their communication skills and more accurately assess ability levels); not having a Parent Advisory Committee that would meet monthly to discuss issues related to their child; not having proper staffing for teacher, one-on-one paraprofessionals, and nurses of the multiply handicapped room during lunches and teacher preparation times as listed in the Individualized Educational Plan (IEP); not having Individualized Educational Plan (IEP) meetings with all members present to include guidance counselor and transition coordinator; the multiply handicapped students did not have a guidance counselor but counselor's signature were required for the IEP; not having access to proper facilities and equipment during Adaptive Physical Education time (Physical Education consisted of walking the hallways or going outside to walk); potential misuse of funds/grants used to build the Multiply Handicapped room and how the room is to be used for future; not having toilets working due to poor plumbing design of the room; not providing a least restrictive environment with fully certified, trained and familiar staff to ensure the safety of students; not having the same staff teach the Extended School Year in the summer; switching staff does not allow the continuance of learning to take place.

5. In an effort to bring about the required changes and to provide the mandated education, Plaintiff contacted the following and complaint that the Defendants were not carrying out what is required by Statute: United States Office of Civil Rights (New York City); New Jersey Special Services Office (Trenton, New Jersey); Assemblyman Scott Garrett and Assemblyman Parker Space; Sussex County Office of Special Services; Marie Sullivan (case manager); Special Services Director, Gib Carter and Rita Seipp; Jon Tallamy, Principal; Scott Ripley; Pam Niles at the New Jersey Educational Association (Byram regional office); High Point Regional High School Board members; Justin Allsop, who is a Parent/Student Advocate; and Valerie Gallagher, who is a Parent/Student Advocate.

6. As a result of her attempts to better the system and bring about the education required by law, Plaintiff incurred the following losses: equating to more than $8,000.00 loss in pay, a period six class that was taken away from her; a sixth period has always been assigned to the class since the programs' inception twenty years ago

7. Plaintiff complained that the Defendants took away from her a paid sixth period.

8. Equating to an $2,500.00+ loss in pay the Extended School Year program shortened for Plaintiff, even though she budgeted and planned in the second semester for it (gave to other unqualified teachers).

9. Instead of getting paid her sixth period class, administration changed Plaintiff's hall duty assignment to "oversee" the multiply handicapped room. Plaintiff still had student contact in helping to toilet, change diapers, feed and work with students, which was the same workload she had but now she didn't get paid for it.

10. Plaintiff's personal and sick days started to be questioned by Defendant Ripley when other staff members were not.

11. During a meeting Plaintiff had with Defendant Ripley concerning her residency waiver, Defendant Ripley pounded on his desk and told Plaintiff she disobeyed him, she was a disgrace to her class, her colleagues and her profession. Defendant Ripley apologized later however, this event traumatized Plaintiff and she had to seek medical attention later that afternoon.

12. As a result of seeking all of the benefits for the handicapped in the High Point Regional High School, the Plaintiff suffered a loss of earnings from 2014 to 2015, the loss of her extended schoolyear program, changes in her workload and having her personal and sick days questioned by the Defendant Ripley.

13. Plaintiff was subjected to outrageous conduct by the Defendant Ripley which he pounded on his desk yelling that she disobeyed him and that she was a disgrace to her class, her colleagues and her profession.

14. In February of 2015, one of Plaintiff's students died. Plaintiff, who worked closely with that student and her parents, sought permission to attend the student's funeral. Plaintiff was told that it would be deducted from her personal time. At the very last minute, Defendant Ripley changed his order.

15. In March of 2015, all of the professionals involved in the Special Education Program were called to a meeting on a Wednesday at 9:00 a.m. in the child study team area by the Defendants Tallamy and Ripley.

16. At that point, Plaintiff and the other professionals were told that the program would be discontinued after June, 2015.

17. The participants of the meeting set forth above were told not to tell anyone, even the parents.

18. At this point, the Plaintiff was employed by the School District as the Special Education teacher for more than 21 years.

19. As a result of the threatened closure and the destruction of the program for which she lived, the Plaintiff became seriously ill and ended up on Family Leave with no pay from April 15th to June 30th, 2015.

20. Plaintiff was deprived of her continued summer program and in preparation for the 2015-2016 schedule, she received her teaching schedule which listed subject areas that she had never taught in her 20 years of teaching.

21. With the program having been terminated in retaliation for the Plaintiff having reported deficiencies and having sought to make the program better, Plaintiff put in her retirement papers.

22. Within two days after having announced her retirement, the Defendants herein announced the return of the multiply handicapped room with no outsourcing.

23. High Point assigned a new teacher for the program, with a paid sixth period and the case manager who was a source of difficulty for the program was removed.

24. The Defendants herein made no attempt to convince or request that the Plaintiff abandon her retirement and come back to High Point. All paraprofessionals and nurses were hired back.

25. Plaintiff was earning approximately $115,000 per year as an employee of High Point Regional High School. Her pension benefits are approximately $44,000. The Plaintiff has a working life expectancy of 18 years.

26. In addition to the monetary loss, the Plaintiff has suffered physical and mental disabilities as a result of the treatment that she was subjected to by the Defendants herein.

27. Defendant Ripley told a parent that the program was not sustainable despite having classroom visits from other districts who had children being placed in the program.

28. The High Point Board of Education still giving no viable reason for disbanding the room decided to "outsource" (bring in another school to run the program in its place and the staff was to not have any access with their students).

29. The Defendants herein continue to refuse to pay to the Plaintiff monies that are owed to her for duplicate healthcare premiums and for unused sick days.

30. Plaintiff consistently complained to the Defendants herein that the statutory requirements for the education of the handicapped were not being met.

31. Plaintiff consistently objected to the failure of the Defendants herein to comply with the statutory mandates for special education.

COUNT ONE

1. Plaintiff repeats each and every allegation as if set forth at length herein.

2. Defendants have retaliated against the Plaintiff for her consistent attempts to better the special education program and request that Defendants comply with statutory requirements.

3. The actions of the Defendants herein constitutes a violation of New Jersey's N.J.S.A. 34:19-3(a), (b) and (c), known as Conscientious Employee Protection Act (CEPA).

WHEREFORE, the Plaintiff demands judgment for compensatory and punitive damages, costs of suit, counsel fees and such other relief as the Court deems just and equitable under the circumstances of this case.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, George T. Daggett, Esq. has been designated as trial counsel on behalf of Plaintiff, Lisa M. Premock, in the above-captioned matter.

CERTIFICATION

1. Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

2. I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DAGGETT & KRAEMER
Attorneys for Plaintiff

By: _____
GEORGE T. DAGGETT

Dated: February 19, 2016