



Written by [Michael Tennant](#) on October 11, 2023

## Girl Raped by “Gender Fluid” Boy in Loudoun County School Bathroom Sues School Board for \$30 Million

A girl who was sexually assaulted by a skirt-sporting boy in a Loudoun County, Virginia, high-school bathroom two years ago is suing the school board for \$30 million after school officials covered up the assault and retaliated against her for reporting it.

The now-17-year-old graduate of Loudoun County Public Schools (LCPS), known in the lawsuit as Jane Doe, and her parents, called John Doe and Jane Roe, filed a [lawsuit](#) in federal court last week charging the Loudoun County School Board with violations of Title IX, which prohibits schools receiving federal funding from discriminating on the basis of sex, requires them to investigate claims of sexual assault, and forbids them from retaliating against students who report such incidents.



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“It’s been a very long two-and-a-half years for my family to get here. We have put together a very strong Title IX lawsuit that we hope sets precedents across the nation to protect children and hold school districts accountable,” John Doe, whose real name is Scott Smith, told [WJLA](#).

On May 28, 2021, Jane Doe was sexually assaulted by a 14-year-old boy in a girls’ restroom at LCPS’ Stone Bridge High School. The boy, who claimed to be “gender fluid” and was wearing a skirt, was allowed to enter the restroom and remain there thanks to LCPS’ already transgender-friendly bathroom policy. A teaching assistant later testified that she had noticed two pairs of feet in the bathroom stall at the time of the assault but did nothing about it because that was standard practice.

Jane Doe reported the assault to school officials, who immediately swung into action not to collar her assailant — he was allowed to roam the school for more than three hours after the incident — but to ensure that knowledge of the rape, which would have proved embarrassing for the highly pro-transgender administration, never leaked to the public.

According to the complaint, when a school staffer called Jane Roe the day of the incident, the staffer said only that her daughter had been “beaten up,” not sexually assaulted. School counselor Cynthia McCarthy “refus[ed] to address the assault” and told Jane Roe, “We can’t talk about it.”

When Scott Smith arrived at the school, he was understandably upset about what had happened to his daughter. But he was even more outraged that the school refused to report the assault to law enforcement. School officials eventually called the police — not to investigate the then-alleged rape but to deal with the disturbance the victim’s father was allegedly creating. They also, alleges the lawsuit, “advised” the family “not to discuss the sexual assault of their daughter with anyone.”

During a June 22 school-board meeting at which the board was considering expanding its pro-



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transgender policy, Superintendent Scott Ziegler claimed he was unaware of the assault. “To my knowledge, we don’t have any record of assaults occurring in our restrooms,” he [lied](#). He went on to state that “the predator transgender student or person simply does not exist.”

At the same meeting, Smith got into a scuffle with a pro-trans activist and was arrested. He was later convicted of two misdemeanors, but Governor Glenn Youngkin [pardoned](#) him in September.

Meanwhile, charge the plaintiffs, “The actions of LCPS following the sexual assault were deliberately indifferent and failed to prevent further assault.” After Jane Doe was threatened and even physically attacked by her fellow students for reporting the assault, the school’s solution was to make her change her class schedule, not to discipline the bullies. Officials — who, the lawsuit notes, were already aware that the girl’s assailant “had inappropriate sexual contact with another student a few years earlier on school grounds” — allowed the boy to return to the same school the day after the rape, eventually transferring him to another high school, where he committed a second sexual assault in October. Shortly thereafter, he was [arrested and convicted](#) for both assaults.

Still, LCPS officials dragged their feet. On October 15, Ziegler admitted the school’s failure to protect Jane Doe but claimed that Title IX was at fault because it was “insufficient to protect victims of sexual assault,” reads the complaint. Four days later, LCPS finally initiated a Title IX investigation.

The district also continued its coverup. On October 28, it hired outside counsel to perform a supposedly independent investigation of the Jane Doe assault, the sheriff’s two-month probe that led to the assailant’s conviction apparently being insufficient. And in November, Ziegler claimed that the board had never been notified that the assailant had been charged with a crime, another lie easily disproved by a July 9 letter from the sheriff.

By December, Ziegler had become such a liability that the school board fired him. Six days later, he was indicted on three misdemeanor charges related to his handling of the assaults. He was convicted last month for firing a teacher “in retaliation for her testimony before a special grand jury” that “was investigating the school system’s handling of” the assaults, reported [WTOP](#).

The family of Jane Doe is asking the court to declare the school board’s conduct a violation of Title IX’s prohibitions of sex discrimination and retaliation. They are also seeking \$30 million for payment of expenses related to the assault (Jane Doe, they say, spent two weeks in the hospital for “physical, mental, and emotional trauma”) and as damages for the loss of educational opportunities and ongoing emotional and mental suffering.

LCPS is not commenting on the lawsuit.



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