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'All she got was hate': Thumb-area school district sued over racial bullying

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School began the same way every day for Clara Malick: She found her friends, headed to class and sat down to learn. Clara, who is Black and was adopted by White parents, was never sure, though, when the taunts would begin.

She said sometimes she got through a few minutes of high school biology before a classmate would call her the N-word. In another class, she said a student would tell her to go back to the plantation and pick cotton. In the hallways, she says a peer would threaten to cut and burn her hair.

Clara said the jeers and racist taunts were delivered to her day in and day out for years in the Croswell-Lexington Community Schools district in Michigan's rural Thumb.

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“Because I am Black and because I am different. They showed me different is wrong. Different is not right," Clara told The Detroit News during a Dec. 27 interview at attorney Sarah Gordon Thomas' office in Oakland County. "I felt disgusted with myself. Because I was different. Why did I have to be different? Why can’t I be like any other cookie-cutter person in Croswell?”

Rob and April Malick said their daughter, now 17, has suffered for years under the torment of her classmates, is traumatized by the verbal attacks and left confused by the lack of action by her school. Clara said she became numb to hearing the N-word every day and educators around her not stopping it. A photo of a student wearing the Confederate flag as a cape was included in a lawsuit filed by the family against the school district and officials as evidence of the racial environment while Clara was there.

Clara was not the only one who heard them. She said her classmates openly harassed her in front of multiple adults at the school, including teachers, classroom aides and administrators.

Officials at the Michigan school district do not deny the taunts happened. During the years Clara was enrolled in the district from 2018-22, the school had 83 reports of race discrimination, per their own records, attorneys for the Malick family said. Some of the cases involved Clara and other students.

Attorneys for the Michigan public school district said they responded appropriately with a host of measures: suspending offending students, starting a student advisory group to address bullying and school culture, and implementing student and staff training on racial/cultural sensitivity and diversity, equity and inclusion.

Lawyers for the district, its school board and former superintendent and high school principal — all named as defendants in the lawsuit — did not return calls and emails from The Detroit News requesting comment on the case.

But in legal filings, they said the district took the necessary measures and did not violate Clara's constitutional rights, as Clara's parents have alleged in the civil lawsuit filed in U.S. District Court in Detroit that is set for trial this spring.

In court filings, defense attorney Kenneth Chapie said the school district is not required to "remedy" or "purge" its school of harassment to avoid liability.

"Their duty is to respond to known harassment in a manner that is not clearly unreasonable," Chapie wrote in a motion to dismiss the case. "Far from clearly unreasonable, it is hard to imagine a school district doing more in response to Plaintiff's particular complaints than what was done here."

At the end of the first semester of her freshman year at Croswell-Lexington High School, Clara suffered a nervous breakdown, her parents said after taking her to the emergency room and later her pediatrician. At the time, she was one of three Black students in the school which was 89% White. She never went back, instead enrolling in a school 25 miles away.

April said her daughter believes the harassment was justifiable and that being Black is a punishment. The teen is working with a counselor to understand the impact of her experience.

The case is being watched by a local NAACP leader who said it could have implications statewide.

Kevin Watkins, the Port Huron branch president, said if the case fails in court, he fears it could empower and embolden school officials, parents and students who participate in racist behavior inside public schools.

"This case is the worst I have ever seen. Most people are ashamed to be racist. These folks are proud," Watkins said of those deposed in the case.

How the epithets began

The Malicks, former cattle and dairy farmers, live near Grant Township in Sanilac County, which is 96.8% White, according to 2023 estimates. Their local district, Croswell-Lexington, enrolled five Black students and 1,657 White students last school year. Another 200 students identify as other races.

Clara was four months old when the Malicks received word a baby was available for adoption. April rushed to the courthouse to meet her and took her home to Rob. Clara was formally adopted at 13 months of age.

The Malicks enrolled Clara into a local Catholic elementary school and kept her there until fifth grade. Clara's first experience with a racial epithet in school came in sixth grade at Croswell-Lexington Middle School.

"I didn’t know how to comprehend it. I didn’t know how to catch it," Clara said. "They would go to me to say the N-word in a sentence and look at me for a reaction. And I didn’t know how to react because I didn’t know what the word really meant. I had heard it, but I had never really been called that.”

In seventh grade, the comments became more regular. Clara said she tried to handle it on her own, but when things escalated and she began to understand what the other kids were implying, she went to her parents.

In one incident, a student pulled Clara's hair, called her the N-word, pulled her hair again, shoved her and ripped her shirt, court documents say. A few months later, while watching a movie in class about careers, she said a student leaned over to her and, in reference to two

Black actors, said to her, “Look, there are your parents.” He added, “They can’t have good jobs because they are Black.”

In tears, Clara told her teacher and said she was “so upset she didn’t know what to do” and was “used to” being subjected to this kind of racial treatment, according to court filings describing the incident. The teacher sent her to the office, where her parents were contacted and told Clara was having problems "with being adopted," the Malicks said.

During the year, there were days Clara said she sat through the harassment and ignored it. Other days she could not bring herself to attend school. Her parents have documented hundreds of incidents of racist bullying and harassment that they and Clara reported to her school district, starting in sixth grade at Croswell-Lexington Middle school in 2018 through her freshman year at the high school in 2022.

“I didn’t know how to react at first," Clara said of the experience in middle school. "Then I had to laugh along with it. Because after a while, what else are you supposed to do? The jokes are not funny, but everybody else is laughing, and you just have to laugh, too. I am trying to fit in and be like the other kids.”

For eighth grade, Clara's parents switched her to online learning and she did not attend school. April said the decision was directly influenced by the results of the 2020 election and the rise of the national Black Lives Matter movement.

But even when Clara went to school for a sporting event or a dance, she said the comments came back. They came from different students, boys and girls — some were one-offs and others were more persistent, her parents said.

"Every time they would see me, something had to be said, like a racist comment," Clara said.

'A huge change' between high schools

Clara said she and her parents desired a fresh start in high school, hoping the different building and perhaps a slightly different mix of students would be a refreshing change. Clara was one of three Black students at the high school in 2021, so her parents met with school officials during the summer before school to inform them of past incidents and ask for their help in supporting their daughter at school.

It got worse. Five weeks into the school year, Clara experienced eight instances of racial bullying ranging from "go back to the plantation and pick cotton" to "I'm gonna snatch your weave and burn it" to calling her the N-word.

On the December break that year, Clara was home with her parents when her brother came to April and said something was wrong with his sister. Clara had become suicidal and declared to her parents she did not want to be Black.

"I went upstairs. She was mute, sitting there shaking. I called (Rob). He thought she was having a heart attack. She began convulsing. He had to grip her really tight. He said. 'I think she is having a nervous breakdown.' We took her to the emergency room," April said.

A doctor told the Malicks their daughter suffered from Post Traumatic Stress. Clara began treatment by seeing a therapist and started using medication.

Clara now attends Port Huron High School, where she is trying to adjust to being a junior, catching up on classes and making new friends. She joined the school's powerlifting team.

So far, she said she has not experienced any incidents of racial discrimination at the school, which last school year enrolled 133 African American students, or 12% of the student population.

"When I got there, it was a huge change," Clara said. "Hallways were crowded. Different kinds of people. I was a little overwhelmed at first. But it was easier making friends. They were more accepting, and they wanted to get to know you."

District claims 'swift and decisive action'

Lawyers for the Croswell-Lexington district cited several examples of "swift and decisive action" taken by Cros-Lex — as it's known locally — against students who harassed Clara in middle school. Each offending student was counseled about their behavior and was disciplined, according to court records, and their parents were called.

"The discipline was effective. For the vast majority of offending students, the discipline ended the behavior the first time. For a very few repeat offenders, the second discipline was increased and the behavior or comments ended," Chapie wrote in court filings.

On Dec. 19, Chapie appeared before U.S. District Court Judge David Lawson and said the district investigated each complaint, meted out discipline to students, installed interim measures to address the problem and made efforts for longer-term change through staff training sessions.

Chapie told Lawson, who is presiding over the lawsuit, that the district changed Clara's high school schedule, placed an aide with her to walk her to class and around school, and researched and instituted racial bias training for staff.

The district created a specific reporting procedure for Clara if new incidents occurred. She was to report these incidents to a counselor and an assistant principal.

After one incident, an assistant principal was placed outside of Clara's classroom where she was having problems with students to determine if she could "hear any of the alleged racial slurs and inappropriate language that the Malicks complained of," according to a district filing. According to court records, she was unable to substantiate the Malicks' claims.

"If there was a problem, they weren't deliberately indifferent to it," Chapie told the judge.

Lawyers for the teen and her parents alleged that after the incidents were reported to the school, its leader and the school board, the school still provided no mandatory training for students on racial bullying, diversity, inclusivity, race discrimination.

The school failed to follow its own policies on race discrimination and the high school consistently gave the lowest level of discipline allowed for in the handbook for racial bullying, Gordon said.

They alleged when a student was suspended, district officials intentionally did not check a "HIB" box on discipline forms for violations that involved “harassment, intimidation, and bullying.” In the district, a notice of student suspension form divides student misconduct offenses into more serious categories of violations that might result in expulsion.

The school rarely checked the "HIB" box when issuing discipline for racial bullying and chose a category under the less serious offenses, the Malicks' attorneys said, which meant students and parents were not made aware that they were being disciplined for violating the discrimination policy, which allowed the same conduct to continue.

The high school principal and the former school board president said they did not think that what was happening was racism, according to depositions in the case.

Kyle Wood, principal at Croswell-Lexington High School when Clara attended school there, testified in his 2022 deposition about concerns brought by Clara's parents about repeated incidents.

"You ask students — throughout my career, as you've documented, I've been in multiple locations in diverse communities and non-diverse communities, there are always going to be issues that are not appropriate, not acceptable. And nothing to my attention that showed me we have a real big problem," Wood testified.

Katie Gordon, president of the school board at the time incidents of racism were reported by Clara and her parents to school officials, said in a deposition that she learned about the incidents involving Clara from emails sent by school staff, including when Clara was told to "go back to the plantation and pick cotton" by several students.

When asked during her deposition by Clara's attorney — "Did you feel there was a problem in the school district with racial bullying?" — Gordon responded no.

Lawyers for Clara said the school can issue a suspension for up to 10 days, or expulsion, for racial harassment under the district's disciplinary code. The school almost exclusively issued a one-, two- or three-day suspension for nearly every incident involving Clara, lawyers said. At the same time, the school routinely issued five- or six-day suspensions for vaping, according to attorneys for the Malicks.

Lawyers said students began “bragging” and “joking” about the light suspensions issued for racial bullying. The Malicks reported this and the school took no steps to change course, lawyers say.

The Malicks are suing for emotional and non-emotional distress damages, including for costs incurred from the bullying and harassment, “lost opportunity” costs and costs associated with transferring to Port Huron schools, which include new sports uniforms, school gear, fees for accessing textbooks and money for gas to travel the longer distance to and from school.

Local official disputes racism issue

Croswell-Lexington's current superintendent, Colette Moody, or its board president, Russ Nowiski, did not return calls from The News for comment.

Rob Butler, 48, mayor of Croswell, a rural town of 2,300 residents, said he doesn't believe there are problems with racism in the community. He said the town's Hispanic population is an example of its diversity. According to 2020 Census data, Croswell's racial breakdown was 2,000 Whites, 285 Hispanics and 10 Blacks.

"We are are very diverse community. I don't know of any problems we have here," Butler said.

Asked if it's common to see Confederate flags in Croswell — as the Malicks have alleged — Butler said: "I walk Croswell, and it isn't something you see on a regular basis."

The NAACP of Port Huron is involved in the federal civil case. Watkins, the NAACP branch president and a resident of the Thumb region, said he tried to help the Malicks address the issue with the district before legal action was pursued. He offered anti-discrimination training to the school district for its students and staff.

"All they wanted was for her daughter to be treated fairly and carry out her K-12 education without dealing with this torture. She was under torture in her school. Kids can be cruel," Watkins said.

"The part that broke my heart was how the adults treated her. ...These children have taken the identity of their parents and brought it to their school. They are emboldened and proud, carrying the (Confederate) flag in the schools."

Watkins, who is Black and lives in St. Clair County, said he approached the board of education to "get the rest of the story" and introduced them to anti-discrimination policies passed by other nearby school districts such Marysville and Port Huron public schools.

Watkins said his offers of assistance to Cros-Lex were left on the table. He became friends with the Malicks, who took membership with his NAACP branch, and recently joined them in court in Detroit for support.

Clara is an incredibly strong young woman, Watkins said, who tends to now overachieve in everything she does, including her school sports of powerlifting and track.

"The only love she got was at home. When she stepped out, all she got was hate," Watkins said. "Clara had nightmares. She begged her dad, 'Can you please make me White?' That is the only way she can be accepted."

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