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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14  
15 JANE DOE as Guardian of J. DOE, a  
minor, and in her individual capacity,

16 Plaintiffs,

17 vs.

18 WASHOE COUNTY SCHOOL  
DISTRICT, a political subdivision of  
19 the State of Nevada, its BOARD OF  
20 TRUSTEES, and its  
21 SUPERINTENDENT, DR. SUSAN  
ENFELD, DOES I-XX and ROE  
entities I-XX.

22 Defendants.  
23

Case No.:

Dept. No.:

**COMPLAINT**

**JURY DEMAND**

24 COME NOW, Plaintiffs, by and through their attorneys of record, SIGAL CHATTAH,  
25 ESQ., of CHATTAH LAW GROUP and JOSEPH S. GILBERT, ESQ., of JOEY GILBERT  
26 LAW, and hereby alleges and complain against Defendants as follows:

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**JURISDICTION AND VENUE**

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2           **1.**       This court has Federal subject matter jurisdiction under 42 U.S.C. § 1983, 42  
3 U.S.C. § 2000d et seq., 20 U.S.C. § 1400 et seq., and 28 U.S.C § 1331, 1343.

4  
5           **2.**       Venue is proper under 28 U.S.C. § 1391 in the District of Nevada, Washoe  
6 County, because this claim arose therein.

7           **3.**       Every act and omissions alleged herein was done by Defendants and carried out  
8 under the color and pretense of state and federal laws, statutes, ordinances, regulations, or  
9 customs.

10  
11           **4.**       This Court has supplemental jurisdiction over Plaintiffs’ State law claims  
12 pursuant to 28 U.S.C. § 1367(a) because they are part of the same case and controversy  
13 described by Plaintiffs’ Federal claims.

14  
15           **5.**       All of the acts or failures to act herein were duly performed by and attributable to  
16 all Defendants, each acting as agent, employee, or under the direction and/or control of the  
17 others. Said acts or failures to act were within the scope of said agency and/or employment and  
18 each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever  
19 and wherever reference is made in this Complaint to any acts by Defendants, such allegations  
20 and references shall also be deemed to mean the acts of each of the Defendants acting  
21 individually, jointly or severally.

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1 County and State receiving Federal funding, and is classified as a state educational agency  
2 pursuant to 20 U.S.C. § 1400 et seq.

3  
4 **10.** Defendant Board of Trustees of the Washoe County School District is a corporate  
5 body given the reasonable and necessary powers requisite to attain the ends for which the public  
6 schools are established, to promote the welfare of school children, including the establishment  
7 and operation of schools and classes deemed necessary and desirable, is located in said County  
8 and State receiving Federal funding, and is classified as a local educational agency pursuant to  
9 20 U.S.C. § 1400 et seq.

10  
11 **11.** Defendant Washoe County School District Superintendent Dr. Susan Enfield was  
12 appointed by the Governor, is in the Executive Department of State Government, and is the  
13 executive head and educational leader of the Washoe County K-12 public education, who  
14 executes, directs, and supervises the Washoe County School District and its Board of Trustees,  
15 and shall possess the knowledge and ability to carry out the duties required under the statutes and  
16 regulations governing K-12 public education.

17  
18 **12.** All of the acts or failures to act herein were duly performed by and attributable to  
19 all Defendants, each acting as agent, employee, or under the direction and/or control of the  
20 others. Said acts or failures to act were within the scope of said agency and/or employment and  
21 each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever  
22 and wherever reference is made in this Complaint to any acts by Defendants, such allegations  
23 and references shall also be deemed to mean the acts of each of the Defendants acting  
24 individually, jointly or severally.

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1           **17.** Defendants were negligent and acted with deliberate indifference, when they,  
2 under color of state law, condoned, ratified, and carried out the prohibited conduct, and denied  
3 Minor Plaintiff of his rights, benefits, and participation in their programs and activities.  
4

5           **18.** The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
6 prohibits discriminatory acts and expressions carried out on the basis of disability, and identifies  
7 that there is an inappropriate overidentification or disproportionate representation by race and  
8 ethnicity of children as children with disabilities, and where Defendants must account for race in  
9 the evaluation and assessment of Minor Plaintiff with regard to his disability.  
10

11           **19.** Defendants were negligent and acted with deliberate indifference when they,  
12 under color of state law, condoned and tolerated a hostile and offensive environment where  
13 discriminatory acts and expressions were carried out against Minor Plaintiff, causing harm, and  
14 where race was an unaccounted factor in evaluating and assessing Minor Plaintiff's disability.  
15

16           **20.** The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
17 mandates that Defendants make available to Minor Plaintiff, and other similarly situated  
18 students, a free appropriate public education that emphasizes special education and related  
19 services designed to meet the unique needs of Minor Plaintiff to prepare him for further  
20 education, employment, and independent living, and specifically, that his education be provided  
21 in conformity with his individualized education program, and shall include such developmental,  
22 corrective, and other supporting services Minor Plaintiff needs, to include psychological  
23 services, social work services, and counseling services.  
24

25           **21.** Defendants were negligent and acted with deliberate indifference when they,  
26 under color of state law, failed to provide Minor Plaintiff with such education and services  
27 designed to meet his needs and prepare him for a successful path in life.  
28

1           **22.**     The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
2 mandates that Defendants provide to Minor Plaintiff, and other similarly situated students, the  
3 supplementary aids, services, and other supports in Minor Plaintiff’s regular education classes or  
4 other education-related settings to enable Minor Plaintiff to be educated with nondisabled  
5 children to the maximum extent appropriate and least restrictive environment.  
6

7           **23.**     Defendants were negligent and acted with deliberate indifference when they,  
8 under color of state law, failed to provide Minor Plaintiff with such aids and services designed to  
9 meet his needs and prepare him for a successful path in life.  
10

11           **24.**     The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
12 mandates that Defendants provide to Minor Plaintiff, and other similarly situated students, the  
13 transition services and coordinated set of activities that is based on the needs of Minor Plaintiff,  
14 improves his academic and functional achievement, and facilitates his movement from school to  
15 post-school activities and post-school adult living objectives.  
16

17           **25.**     Defendants were negligent and acted with deliberate indifference when they failed  
18 to provide Minor Plaintiff with such services designed to meet his needs and prepare him for a  
19 successful path in life.  
20

21           **26.**     The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
22 mandates that Defendants provide to Minor Plaintiff, and other similarly situated students, an  
23 individualized education program that meets the requirements of 20 U.S.C. § 1414(d), and is  
24 adequately established, developed, implemented, reviewed, revised, and maintained specifically  
25 for Minor Plaintiff, so that he may receive and be educated in the least restrictive environment.  
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1           **27.** Defendants were negligent and acted with deliberate indifference when they,  
2 under color of state law, failed to develop, implement, and maintain an adequate IEP, specifically  
3 for Minor Plaintiff, and caused to separate and remove him from the regular education  
4 environment.

5  
6           **28.** The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
7 mandates that Defendants assess, and ensure the effectiveness of, efforts to educate children with  
8 disabilities, and that the testing and evaluation materials and procedures utilized for the purposes  
9 of evaluation and placement of Minor Plaintiff and other similarly situated students for services,  
10 not be selected and administered so as to be racially or culturally discriminatory.

11  
12           **29.** Defendants were negligent and acted with deliberate indifference when they,  
13 under color of state law, breached and failed in the performance of their duties, did administer,  
14 assess, and evaluate Minor Plaintiff in a racially and culturally discriminatory way, to the  
15 detriment of Minor Plaintiff’s mental, emotional, social, and academic pursuits.

16  
17           **30.** The Individuals with Disabilities Act, as codified in 20 U.S.C. § 1400 et seq.,  
18 mandates Defendants protect the rights of Plaintiffs and comply with the law, that Minor  
19 Plaintiff receive general supervision from individuals who are responsible for educational  
20 programs for children with disabilities and meet the State’s education standards.

21  
22           **31.** Defendants were negligent and acted with deliberate indifference when they,  
23 under color of state law, condoned, ratified, and carried out discriminatory conduct, and tolerated  
24 an offensive and hostile environment, where discriminatory acts and expressions on the basis of  
25 Minor Plaintiff’s disability (and race) were carried out, causing harm to Minor Plaintiff.

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1           **32.** Chapter 388 of the Nevada Revised Statutes mandates Defendants a duty to  
2 prohibit discriminatory acts and expressions carried out on the basis of disability and/or race, and  
3 to protect Minor Plaintiff and other similarly situated students from such prohibited conduct.  
4

5           **33.** Defendants were negligent and acted with deliberate indifference, when they,  
6 under color of state law, condoned, ratified, and carried out the prohibited conduct, and failed to  
7 protect Minor Plaintiff, where Minor Plaintiff was harmed.  
8

9           **34.** Title 34 of the Nevada Revised Statutes mandates Defendants one or more duties:  
10 (i) create a board of trustees with the rights and powers necessary to control local public  
11 education, (ii) to act as stewards and guardians of the laws, values, and procedures for each  
12 district, where each shall show civility and respect to their students, as an act of expression and  
13 appropriate and professional behavior, (iii) to license, hire, train, evaluate, oversee, supervise,  
14 discipline, and restrict or revoke as necessary their teachers, staff, and administrative personnel,  
15 (iv) to provide a safe and respectful learning environment for all students, (v) to prohibit  
16 bullying, harassment, and discrimination of every kind, (vi) to identify and report acts of  
17 prohibited conduct, (vii) to provide each child with quality instruction not negatively impacted  
18 by poor attitudes or interactions among teachers, staff, and administration, (viii) to prohibit and  
19 prevent the assault and battery of students, (ix) to act professionally and ethically when dealing  
20 with each student, (x) to maintain appropriate boundaries of authority while fostering empathy  
21 and support for and encouragement of each student, (xi) to provide counseling and other services  
22 and resources to Minor Plaintiff, and (xii) to provide a staff that adheres at all times to the  
23 Nevada Model Code of Educator Ethics. *See generally*, NRS 385.005, 386.010, 388.132, 391,  
24 391A, 388.132, 391.2055, 391.2056.  
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1           **41.**     That Minor Plaintiff was subjected to cumulative trauma as a direct and proximate  
2 result of Defendants failure to comply with both Federal and State mandates including but not  
3 limited to the following:

- 4           • Excessive and demeaning act and expression of bullying and harassment;
- 5           • Assault and battery by his teacher;
- 6           • On or around September 21, 2022, Minor Plaintiff was bullied, harassed, discriminated  
7 against, and physically assaulted and battered by WCSD teacher Michael Ismari;
- 8           • Discrimination on the basis of his race, where Defendants failed to treat Minor Plaintiff  
9 as a student with a disability, and instead resorted only to using discriminatory discipline  
10 and aversive intervention, segregation, and removal; and
- 11           • Discrimination on the basis of his disability, where Defendants failed to develop,  
12 implement, and maintain an adequate IEP, failed to provide him with services, support,  
13 aids, and assistance, and resorted only to using discriminatory discipline and aversive  
14 intervention, segregation, and removal.

15           **42.**     Defendants failed to protect Minor Plaintiff, to treat him as a student with a  
16 disability, and demonstrated deliberate indifference to the plight of Minor Plaintiff, where he was  
17 forced to defend himself, and educate himself without the services afforded to him by law, and  
18 where Minor Plaintiff's disability did manifest itself as anger, defiance, truancy, and  
19 insubordination.

20           **43.**     Defendants failed to develop, implement, and maintain an adequate IEP,  
21 specifically for the needs of Minor Plaintiff, and did punish him for his physical and mental  
22 impairments using discipline, separation, and removal.

1           **44.**     As early as 2015, Defendants knew that Minor Plaintiff was vulnerable and its  
2 employees were placed on notice that he was has demonstrated a pattern of vocal and physical  
3 agitation, poor communication skills, and an inability to control his emotions, and where Minor  
4 Plaintiff has been targeted, bullied, harassed, and discriminated against by other students and by  
5 teachers, staff, and administrators, causing Minor Plaintiff to lash out and respond with physical  
6 aggression, and where Defendants condoned, ratified, and carried out the prohibited conduct,  
7 which did further aggravate his disability.  
8

9           **45.**     On or around September 21, 2022, Minor Plaintiff came into his 6<sup>th</sup> period class  
10 late and visibly upset. He was followed by a teacher who came from the hall and into the other  
11 teacher’s classroom.  
12

13           **46.**     Minor Plaintiff told Ismari to leave him alone, that he just wanted to go to class,  
14 but Ismari continued to antagonize Minor Plaintiff and escalated the issue. Ismari said “What are  
15 you going to do? Are you going to hit me? Do you really think you could hurt me?” And then  
16 Ismari called Minor Plaintiff the “n” word.  
17

18           **47.**     Minor Plaintiff warned Ismari that he would “swing on him” if he didn’t leave  
19 him alone. The other teacher put herself between Ismari and Minor Plaintiff, and they continued  
20 to speak aggressively. Ismari continued antagonizing Minor Plaintiff and Minor Plaintiff said,  
21 “I’m going to county to five and if you don’t leave me alone then I’m going to swing on you.”  
22

23           **48.**     Minor Plaintiff counted to five, dropped his backpack, and charged Ismari, who  
24 restrained Minor Plaintiff’s arms and slammed his body to the floor.  
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1           **49.**     Ismari laid on top of Minor Plaintiff, with his forearm on top of Minor Plaintiff's  
2 sternum. The other teacher told him to get off Minor Plaintiff multiple times, and it was not until  
3 other administrators and counselors came over, and not until the principal told Ismari to get off  
4 of Minor Plaintiff multiple times, that he did.  
5

6           **50.**     Ismari targeted Minor Plaintiff because of his race and specific disability because  
7 he struggles with controlling his anger, which is why Ismari antagonized him. Ismari has a  
8 history of targeting students, especially male students of color, where Ismari would follow and  
9 antagonize them, knowing they have disabilities and difficult behaviors.  
10

11           **51.**     Ismari has been reported to throw pencils at students and call them names, where  
12 he refers to one group of students as "the chain gang."  
13

14           **52.**     Students have been removed from Ismari's classroom because they don't feel  
15 safe.  
16

17           **53.**     Two students specifically reported that they were sent to Ismari's classroom as  
18 punishment, where they had to stand with their backpacks on, and stay inside a square for an  
19 entire period, which lasts approximately 55 minutes, and if they moved, Ismari would berate  
20 them.  
21

22           **54.**     Another incident was reported where Ismari restrained another student using his  
23 forearm over the student's neck, and the student struggled to say he couldn't breathe.  
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1           **55.**     Ismari has a disciplinary record that starts as early as 2011, where he was alleged,  
2 on numerous occasions, over many years, to have exhibited unprofessional behavior, and carried  
3 out unacceptable conduct, been insubordinate, failed to follow established guidelines, directives,  
4 and protocols, where Ismari showed inadequate performance, and violated WCSD administrative  
5 guidelines for a safe and respectful learning environment.  
6

7           **56.**     Ismari was investigated because a staff member notified the principal that Ismari  
8 was mistreating caged animals within his classroom.

9           **57.**     Ismari was investigated for calling his students “ugly ducklings,” and stating that  
10 “women as a whole have lost their value,” while referring to different groups of people “who  
11 will never amount to anything.”  
12

13           **58.**     Ismari was investigated for removing two students into the hallway during class  
14 after he crumbled up their papers and threw them on the floor, and where he told the students if  
15 they didn’t get finished in five minutes, he would “kick their asses.”  
16

17           **59.**     The principal at one school received numerous allegations regarding Ismari,  
18 where he exhibited insubordination and violated directives and known policies and procedures,  
19 where he used unprofessional language and unacceptable teaching practices, and where he would  
20 name call and use sarcasm to ridicule and embarrass minor students, causing fear and  
21 intimidation, and was investigated for the same on at least: March 2011, September 2011,  
22 November 2011, September 2012, November 2013, and May 2014.  
23

24           **60.**     The principal told Ismari on multiple occasions that he had a duty to do no harm  
25 to his students.

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1           **61.**     In August 2014, Ismari transferred to Dilworth Stem Academy, and was  
2 immediately reprimanded and investigated, where it was alleged that he asked a student to leave  
3 the class because he was causing a disruption, and as the student was leaving, he called Ismari a  
4 “dickhead,” and Ismari responded by saying that he would “light him up” if he were 18. Ismari  
5 was admonished and directed to attend training on how to do deal with difficult student behavior,  
6 and to do no harm with words.  
7

8           **62.**     Here, Ismari was transferred to a different school and Minor Plaintiff

9           **63.**     Defendants created an offensive and hostile environment, and left Minor Plaintiff  
10 in that danger, and where Minor Plaintiff was harmed.  
11

12           **64.**     Defendants permitted the physical and verbal abuse, and improper seclusion and  
13 restraint of Minor Plaintiff, a student with a disability.  
14

15           **65.**     Defendants permitted a teacher to seclude and restrain Minor Plaintiff before he  
16 first attempted appropriate behavior management and de-escalation strategies.  
17

18           **66.**     Where there have been reported allegations of racial discrimination and  
19 discriminatory conduct against minor students of color, and those with a disability, by Ismari,  
20 within the District, as early as March 2011.  
21

22           **67.**     Where Defendants must comply with the Individuals with Disabilities Education  
23 Act and Title VI of the Civil Rights Act, as Federal laws that prohibit Defendants from  
24 discriminating against Minor Plaintiff on the basis of his disability and race.  
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1           **68.**     Here, Minor Plaintiff was subjected to discriminatory discipline, racial  
2 harassment, unequal access to educational resources, and denied certain services or equal  
3 educational opportunities, and where Defendants did discipline Minor Plaintiff more harshly and  
4 more frequently than other students, resulting in serious negative emotional consequences,  
5 particularly when Minor Plaintiff was excluded from school.  
6

7           **69.**     As a result of Defendants’ deliberate indifference and tolerance for  
8 discrimination, Minor Plaintiff was disciplined more frequently or more severely because of his  
9 race, color, or national origin, and this discrimination directly impacted the disability of Minor  
10 Plaintiff, as Defendants disciplined Minor Plaintiff in place of providing him services, support,  
11 aids, and assistance for his disability.  
12

13           **70.**     Rather than make such accommodations, Minor Plaintiff was subject to ridicule  
14 and abuse by “trusted adults”, where his disability was ignored and his needs were not met, and  
15 Defendants did deprive Minor Plaintiff of the resources and support afforded to him by law.  
16

17           **71.**     In fact, despite Minor Plaintiff’s documented disability, Defendants not only  
18 failed to provide Minor Plaintiff with services and resources, but they condoned the bullying,  
19 harassment, discrimination, and abuse of Minor Plaintiff while he was in the custody, care,  
20 supervision, and protection of Defendants.  
21

22           **72.**     Further, these affirmative acts were combined with a failure to report to State and  
23 Federal agencies, and where Defendants have failed to meet State academic standards.  
24

25           **73.**     As a result of these collective acts, Minor Plaintiff manifested the following  
26 somatic and psychosomatic symptoms:

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- 1 • Bodily injury;
- 2
- 3 • Difficulty eating, loss of appetite;
- 4
- 5 • Increased anxiety and depression, fear when going to school;
- 6
- 7 • Defecating when approached by or coming in contact with a male teacher;
- 8
- 9 • Post-traumatic stress disorder;
- 10
- 11 • Diminished concentration and academic performance; and
- 12
- 13 • Chronic school absence due to suspensions and removal.
- 14

11 **74.** At all pertinent times, Minor Plaintiff and each other minor student herein were  
12 under the care, supervision, custody, and protection of Defendants, at the same school and in the  
13 same and other classrooms as Minor Plaintiff.  
14

15 **75.** At all pertinent times, the teachers, staff, and administrators herein were under the  
16 control, supervision, direction, and authority of Defendants, at the same school and in the same  
17 and other classrooms as Minor Plaintiff.  
18

19 **76.** At all pertinent times, Defendants were and are a political subdivision of the State  
20 of Nevada, existing and operating by virtue of the laws of the County of Washoe, State of  
21 Nevada, having and exercising full control, power, and operating oversight of the educational  
22 programs and activities at its schools, within its district, while a recipient of Federal funding.  
23

24 **77.** At all pertinent times, Defendants acted by and through its teachers, staff, and  
25 administrators, who carried out final decisions and policies regarding the care, supervision,  
26 custody, and protection of all minor students, and specifically, Minor Plaintiff.  
27

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1           **78.**     On September 21, 2022, Minor Plaintiff was subjected to and suffered from  
2 assault, battery, racial discrimination, and intentional infliction of emotional distress, where he  
3 was bullied, taunted, harassed, followed, provoked, restrained, body slammed, and then choked  
4 and further taunted while he was on the ground in front of all of his peers, who recorded the  
5 incident and posted it on the internet.  
6

7           **79.**     Minor Plaintiff has a disability and his disciplinary report demonstrates the bias  
8 and discriminatory conduct of Defendants toward his disability, where Defendants acted with  
9 deliberate indifference to the plight of Minor Plaintiff when they failed to provide him with an  
10 adequate IEP, specifically for his needs, and failed to provide the services, support, aids, and  
11 assistance necessary for his academic and social development, and the continued integration of  
12 Minor Plaintiff into public education in the least restrictive environment.  
13

14           **80.**     Minor Plaintiff was punished for his disability, despite utilizing the tools given to  
15 him pursuant to his IEP, to walk away and leave the situation, and to count.  
16

17           **81.**     Ismari, who assaulted and battered Minor Plaintiff, and carried out discriminatory  
18 acts and expressions, has a history of carrying out the prohibited conduct against other similarly  
19 situated students, and where Ismari has been disciplined, reprimanded, and admonished for  
20 taking similar actions.  
21

22           **82.**     Defendants carried out customs and/or policies and/or practices of deliberate  
23 indifference and tolerance to discrimination when they, under color of state law, condoned,  
24 ratified, and carried out acts and expressions so objectively offensive that they shock the  
25 conscience, as to create a hostile and offensive environment where Minor Plaintiff was left in  
26 danger.  
27

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1           **83.**     Whereas Defendants’ acts and omissions of deliberate indifference violated Minor  
2 Plaintiff’s right to equal protection under the laws, denied him the right to a free and public  
3 education with services, support, aids, and assistance afforded him, and created an offensive and  
4 hostile environment, where Defendants placed Minor Plaintiff in that danger and where Minor  
5 Plaintiff was harmed.

6  
7           **84.**     Whereas Nevada Revised Statutes mandate that Defendants act as stewards and  
8 guardians of the laws, values, and procedures for each district, where each shall show civility and  
9 respect to their students, as an act and expression of appropriate and professional behavior,  
10 where they show no tolerance for discrimination of any kind, and here, Defendants were  
11 negligent and acted under color of state law when they failed to protect Minor Plaintiff, and  
12 provide him with equal access to Defendant’s educational programs and activities, and did  
13 substantially interfere with his academic pursuits, social performance, and his mental health and  
14 physical well-being.

15  
16           **85.**     Defendants were negligent and acted under color of state law when they showed  
17 deliberate indifference to the plight of Minor Plaintiff.

18  
19           **86.**     Defendants knew of their duties, by and through each of its published documents:

20           Board Policy, 9200: Harassment and Discrimination Prohibited.

21           Board Policy, 9210: Equity and Diversity.

22           Board Policy, 5700: Safe and Respectful Learning Environment.

23           Admin. Regulation, 5701: Student Bullying, Discrimination, and/or Harassment.

24           State Dept. of Education Nevada Model Code of Ethics for Educators.

25           Student Behavior: Administrative Procedures Manual.

1           **87.**     Plaintiffs relied on the published documents and made reasonable inferences from  
2 the same that Defendants would exercise due and reasonable care in the performance of their  
3 duties.

4  
5           **88.**     Defendants carried out customs and/or policies and/or practices and usage of non-  
6 reporting and tolerance for discrimination expressed through persons with final authority and  
7 decision-making capacity through practices so pervasive and widespread as to constitute a  
8 custom or a policy with the force of law, and Defendants practices resulted in each violation.

9  
10           **89.**     Dilworth Stem Academy has demonstrated its tolerance for violence,  
11 discrimination, and a dangerous environment where Minor Plaintiff and other similarly situated  
12 students are left unprotected and have been harmed.

13           **90.**     Minor Plaintiff was subjected to assault and battery that resulted in a physical  
14 harm, aggravation of his disability, mental anguish, fear, embarrassment, and emotional distress.

15  
16           **91.**     At all pertinent times, Defendants had knowledge of the risk of harm to Minor  
17 Plaintiff and the hostile and offensive environment or “state-created danger.”

18  
19           **92.**     Defendants were negligent and acted under color of state law when they failed to  
20 mitigate the harm and violated Minor Plaintiff’s right to equal protection.

21           **93.**     At all pertinent times, Defendants had knowledge of Minor Plaintiff’s disability  
22 and the effects of his mental and physical impairments on his major life functions.

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1           **94.** Defendants were negligent and acted under color of state law when they failed to  
2 adequately establish, develop, implement, review, revise, or maintain Minor Plaintiff’s IEP, and  
3 protect Minor Plaintiff from the prohibited conduct while he was in their care, custody,  
4 supervision, and protection, and deprived Minor Plaintiff of his constitutional, federal, and state-  
5 protected rights.  
6

7           **95.** At all pertinent times, Defendants acted under the color of state law, and where  
8 Defendants carried out acts and omissions in the course of their employment, while on school  
9 property.  
10

11           **96.** At all pertinent times, Defendants acted under the color of state law, and where  
12 Defendants showed deliberate indifference to the plight of Minor Plaintiff, directly and  
13 proximately cause him harm, and where the injuries suffered by Minor Plaintiff include  
14 cumulative trauma, humiliation, and the damage and manipulation of relationships.  
15

16           **97.** Plaintiffs can only infer from Defendants’ acts and omissions that there was/is a  
17 failure to train, failure to supervise, oversee, discipline, restrict, and/or revoke licensed teachers,  
18 a no-reporting procedure or a custom of non-reporting for State and Federal filings, tolerance for  
19 discriminatory conduct, and an overall practice of deliberate indifference for the plight of Minor  
20 Plaintiff, and other similarly situated students, who are classified as a minority with a disability.  
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1           **100.** Pursuant to 42 U.S.C. § 1983, Plaintiffs are entitled to a Declaration from the  
2 Court that Defendants have violated Minor Plaintiff’s constitutional right to equal protection;  
3 that Defendants are negligent and acted under color of state law when they failed to protect  
4 Minor Plaintiff and prohibit discriminatory conduct, did deny Minor Plaintiff of his rights,  
5 benefits, and participation in programs and activities, failed to appropriately evaluate and assess  
6 Minor Plaintiff, failed to develop, implement, and maintain an adequate IEP specifically for  
7 Minor Plaintiff, failed to meet his needs, failed to provide services afforded to Minor Plaintiff,  
8 failed to ensure the effectiveness of its programs, failed to provide general supervision from  
9 individuals who are responsible for educational programs for children with disabilities, failed to  
10 provide a safe and respected learning environment free from bullying, harassment, and  
11 discrimination, failed to supervise and discipline its teachers; and that Defendants demonstrated  
12 deliberate indifference to the plight of Minor Plaintiff through customs and/or policies and/or  
13 practices and usage so pervasive and widespread as to constitute the force of law.  
14  
15

16           **101.** Here, Defendants violated Minor Plaintiffs’ right to equal protection under the  
17 laws and deprived him of a free appropriate education, and the privileges, benefits, and  
18 opportunities afforded to him under Defendants’ educational programs and activities, violations  
19 of which are actionable under 42 U.S.C. § 1983.  
20

21           **102.** Defendants were negligent in failing to prohibit the discriminatory conduct,  
22 violations of which is actionable under 42 U.S.C. § 1983.  
23

24           **103.** Defendants’ act and omissions were the direct and proximate cause of harm to  
25 Minor Plaintiff in violation of his rights actionable under 42 U.S.C. § 1983.  
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1           **109.** The Federal and State Government mandate that Defendants identify and meet the  
2 needs of Minor Plaintiff, and other similarly situated students, by implementing an  
3 individualized education plan, pursuant to the Individuals with Disabilities Act, and provide  
4 Minor Plaintiff with equal access to a free appropriate public education, where Minor Plaintiff  
5 receives such services, support, aids, and assistance necessary so that he may have equal access  
6 to and meaningful enjoyment of, each privilege, benefit, and opportunity afforded to every  
7 student, in its educational programs and activities.  
8

9           **110.** Defendants denied Minor Plaintiff the rights afforded to him through the  
10 provision of education and services designed to meet the needs of Minor Plaintiff and prepare  
11 him for a successful path in life.  
12

13           **111.** Defendants did not exercise due and reasonable care in the performance of their  
14 duties when they undermined and detracted from the educational experience of Minor Plaintiff  
15 and created a disadvantaged school environment.  
16

17           **112.** Defendants violated Minor Plaintiff's constitutional right to equal protection, and  
18 the educational benefits afforded to him under the law.  
19

20           **113.** Defendants demonstrated their deliberate indifference to the Minor Plaintiff, and  
21 other similarly situated students, through customs and/or policies and/or practices and usage of  
22 deliberate indifference, when it tolerated discriminatory conduct, when it condoned, ratified, and  
23 carried out acts and expressions so objectionably offensive, and did create an environment where  
24 Minor Plaintiff was in danger, and in fact was harmed, and Dilworth Stem Academy did not  
25 report the incidents for review by the Federal Government, and in doing so, violated Minor  
26 Plaintiff's right to equal protection, a violation which is actionable under 42 U.S.C. § 1983.  
27

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1           **114.** Defendants’ acts and omissions proximately and directly caused harm to Minor  
2 Plaintiff in the violation of his constitutional, federal, and states’ rights.

3  
4           **115.** Minor Plaintiff is entitled to recover from Defendants for all damages directly  
5 and/or proximately resulting from the violation of his constitutional right to equal protection.

6           **116.** Defendants’ deliberate indifference to the Minor Plaintiff and discrimination  
7 created an environment with increased danger, which was the direct and proximate cause of the  
8 violation of Minor Plaintiff’s constitutional right, and where the danger was foreseeable.

9  
10           **117.** Minor Plaintiff suffered injuries in the denial of access to and enjoyment of his  
11 educational benefits, and the cumulative trauma now and into the future that will require medical  
12 and educational analyses, evaluations, and treatments, the cost of which entitles Minor Plaintiff  
13 to special damages in an amount to be proven at time of trial.

14  
15           **118.** Minor Plaintiff suffered injuries in his emotional and psychological harm,  
16 humiliation, degradation, damaged relationships, and general emotional distress, where Plaintiffs  
17 claim both past and future damages, in an amount in excess of \$75,000.

18  
19           **119.** Minor Plaintiff suffered injuries and Plaintiff Jane Doe, in her individual capacity,  
20 has and will into the future incur medical, educational, and other expenses for which she is  
21 entitled to recover in this action.

22           **120.** Pursuant to 42 U.S.C. § 1988, Plaintiffs are entitled to recover against Defendants  
23 for all reasonable attorneys’ fees expended in prosecuting this action.

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**THIRD CAUSE OF ACTION**

***(CLAIM FOR DAMAGES FOR VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 – 42 U.S.C. § 2000d ET. SEQ.)***

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4 **121.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and  
5 incorporate them by reference as though fully set forth herein.

6 **122.** Whereas Title VI of the Civil Rights Act mandates that Defendants prohibit  
7 discriminatory conduct, and specifically, that no person shall, on the ground of race, color, or  
8 national origin, be excluded from participation in, be denied the benefits of, or be subjected to  
9 discrimination under any program or activity receiving Federal financial assistance.  
10

11 **123.** Defendants were negligent and acted with deliberate indifference when they,  
12 under color of state law, condoned, ratified, and carried out the prohibited conduct, and denied  
13 minor Plaintiff of his rights under Title VI of the Civil Rights Act, a violation of which is  
14 actionable under 42 U.S.C. § 2000d *Et. Seq.*  
15

16 **124.** Defendants acted under color of state law when they condoned and ratified  
17 discriminatory acts and expressions, undermined and detracted from his educational experience,  
18 and where Defendants created a disadvantaged and dangerous school environment, a violation of  
19 which is actionable under 42 U.S.C. § 2000d *Et. Seq.*  
20

21 **125.** Defendants failed to mitigate the harm to Minor Plaintiff and lessen the state-  
22 created danger, having actual knowledge and notice of the incidents and occurrences of  
23 discriminatory conduct, a violation which is actionable under 42 U.S.C. § 2000d *et. Seq.*  
24

25 **126.** Defendants had final authority and decision-making capacity to identify, address,  
26 halt, report, and further investigate all discriminatory acts and expressions, incidents,  
27 occurrences, and allegations, and to initiate corrective and preventative measures on behalf of  
28 Minor Plaintiff.



1           **132.** The Individuals with Disabilities Act mandates that Defendants prohibit  
2 discriminatory conduct, specifically discriminatory acts and expressions carried out on the basis  
3 of Minor Plaintiff’s disability, and where there exists an inappropriate overidentification or  
4 disproportionate representation by race and ethnicity of children as children with disabilities,  
5 mandates that Defendants account for such race in the evaluation and assessment of Minor  
6 Plaintiff, with regard to his disability and IEP.  
7

8           **133.** Defendants were negligent and acted with deliberate indifference, when they,  
9 under color of state law, condoned, ratified, and carried out the prohibited conduct, and tolerated  
10 an offensive and hostile environment, and where Defendants failed to prohibit discriminatory  
11 acts and expressions carried out against Minor Plaintiff on the basis of his disability (and race),  
12 and where Defendants did directly and proximately cause harm to Minor Plaintiff, violations of  
13 which are actionable under 20 USC §1400 *Et. Seq.*  
14

15           **134.** Defendants were negligent and acted with deliberate indifference, when they,  
16 under color of state law, failed to make available to Minor Plaintiff a free appropriate public  
17 education that emphasizes special education and related needs that are designed to meet the  
18 unique needs of Minor Plaintiff, and where Defendants failed to prepare Minor Plaintiff for  
19 further education, employment, and independent living, failed to provide an education in  
20 conformity with his IEP, and did not include the developmental, corrective, and other supporting  
21 services he needed, nor those psychological, social work, and counseling services afforded to  
22 him, violations of which are actionable under 20 USC §1400 *Et. Seq.*  
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1           **135.** Defendants were negligent and acted with deliberate indifference when they,  
2 under color of state law, failed to provide Minor Plaintiff with the supplementary aids, services,  
3 and other supports in Minor Plaintiff’s regular education classes or other education-related  
4 settings to enable Minor Plaintiff to be educated with nondisabled children to the maximum  
5 extent appropriate, and where Defendants failed to provide such aids, services, and other  
6 supports to meet the needs of Minor Plaintiff, and successfully prepare him for life, violations of  
7 which are actionable under 20 U.S.C. §1400 *Et. Seq.*  
8

9           **136.** Defendants were negligent and acted with deliberate indifference when they,  
10 under color of state law, failed to provide Minor Plaintiff the transition services and coordinated  
11 set of activities that is based on the needs of Minor Plaintiff, improves his academic and  
12 functional achievement, and facilitates his movement from school to post-school activities and  
13 post-school adult living objectives, violations of which are actionable under 20 U.S.C. §1400 *Et.*  
14 *Seq.*  
15

16           **137.** Defendants were negligent and acted with deliberate indifference when they,  
17 under color of state law, failed to provide Minor Plaintiff with an adequate individualized  
18 education program that meets the requirements of 20 U.S.C. §1414(d) (“IEP”), and where  
19 Defendants failed to adequately establish, develop, implement, review, revise, and maintain his  
20 IEP, and denied him of his right to receive and be educated in the least restrictive environment,  
21 where Defendants caused to separate and remove him from the regular education environment,  
22 violations of which are actionable under 20 U.S.C. §1400 *Et. Seq.*  
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1           **138.** Defendants were negligent and acted with deliberate indifference when they,  
2 under color of state law, failed to adequately assess and provide services to Minor Plaintiff, and  
3 where Defendants selected and administered such services so as to be racially or culturally  
4 discriminatory, or with racial or culturally discriminatory bias, and did harm Minor Plaintiff, to  
5 the detriment of his mental, emotional, social, and academic pursuits, violations of which are  
6 actionable under 20 U.S.C. §1400 *Et. Seq.*  
7

8           **139.** Defendants were negligent and acted with deliberate indifference when they,  
9 under color of state law, failed to protect the rights of Minor Plaintiffs, failed to provide general  
10 supervision from individuals who are responsible for educational programs for children with  
11 disabilities that meet the State’s education standards, and where Defendants condoned and  
12 tolerated a hostile and offensive environment, and discriminatory acts and expressions were  
13 carried out on the basis of Minor Plaintiff’s disability, violations of which are actionable under  
14 20 U.S.C. §1400 *Et. Seq.*  
15

16           **140.** Defendants had final authority and decision-making capacity to identify, address,  
17 halt, report, and further investigate all discriminatory acts and expressions, incidents,  
18 occurrences, and allegations, and to initiate corrective and preventative measures on behalf of  
19 Minor Plaintiff.  
20

21           **141.** Defendants failed to mitigate harm and lessen the state-created danger, violations  
22 of which is actionable under 20 USC §1400 *Et. Seq.*  
23

24           **142.** Defendants’ negligence and deliberate indifference caused actual and proximate  
25 harm, and Minor Plaintiff suffered injuries and cumulative trauma now and into the future that  
26 will require medical and educational analyses, evaluations, and treatments, the cost of which  
27 entitles Minor Plaintiff to special damages in an amount to be proven at time of trial.  
28





**SEVENTH CAUSE OF ACTION**

***(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS)***

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4 **159.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and  
5 incorporate them by reference as though fully set forth herein.

6 **160.** Defendants' acts and omissions described herein were extreme and outrageous  
7 and intentionally conducted to cause emotional distress to Minor Plaintiff.  
8

9 **161.** As a direct and proximate result of the malicious and intentional conduct by  
10 various Defendants, whose acts were directed and ratified by Defendants, Minor Plaintiff  
11 suffered, and will continue to suffer, damages, including but not limited to such severe and  
12 extreme emotional distress manifested as great humiliation, embarrassment, shame, and other  
13 pain and suffering.  
14

15 **162.** The intentional conduct of the Defendants was so despicable, oppressive,  
16 malicious, and engaged in with such conscious disregard for Minor Plaintiffs' rights and safety  
17 that punitive damages are warranted, as is an award of attorney fees and costs of this action.  
18

19 **EIGHTH CAUSE OF ACTION**

20 ***(NEGLIGENT HIRING, RETENTION, AND SUPERVISION AGAINST ALL***  
21 ***DEFENDANTS AND WCSD SUPERINTENDENT)***

22 **163.** Plaintiffs repeat and re-allege all prior paragraphs of this Complaint and  
23 incorporate them by reference as though fully set forth herein.

24 **164.** Defendants owed several duties to Minor Plaintiff including, but not limited to,  
25 the following:

26  
27 A. The duty to keep Minor Plaintiff safe from the negligent and/or criminal acts of its  
28 employees or third parties.



1           **169.** Defendants owed a duty to Minor Plaintiff and other similarly situated students:  
2 (i) to create a board of trustees with the rights and powers necessary to control local public  
3 education, (ii) to act as stewards and guardians of the laws, values, and procedures for each  
4 district, where each shall show civility and respect to their students, as an act of expression and  
5 appropriate and professional behavior, (iii) to license, hire, train, evaluate, oversee, supervise,  
6 discipline, and restrict or revoke as necessary their teachers, staff, and administrative personnel,  
7 (iv) to provide a safe and respectful learning environment for all students, (v) to prohibit  
8 bullying, harassment, and discrimination of every kind, (vi) to identify and report acts of  
9 prohibited conduct, (vii) to provide each child with quality instruction not negatively impacted  
10 by poor attitudes or interactions among teachers, staff, and administration, (viii) to prohibit and  
11 prevent the assault and battery of students, (ix) to act professionally and ethically when dealing  
12 with each student, (x) to maintain appropriate boundaries of authority while fostering empathy  
13 and support for and encouragement of each student, (xi) to provide counseling and other services  
14 and resources to Minor Plaintiff, and (xii) to provide a staff that adheres at all times to the  
15 Nevada Model Code of Educator Ethics. *See generally*, NRS 385.005, 386.010, 388.132, 391,  
16 391A, 388.132, 391.2055, 391.2056.

17           **170.** Defendants were negligent and acted with under color of state law when they  
18 breached and failed in the performance of their duties, and where such behavior shocks the  
19 conscience, and demonstrates a discriminatory and dangerous environment found within the  
20 Washoe County School District, violations of which are actionable under NRS 385 *Et. Seq.*, NRS  
21 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and NRS 392 *Et. Seq.*

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1           **171.** Defendants breached that duty in that they failed to appropriately hire, train, and  
2 supervise teachers, permitted and ratified assault, battery, and other tortious conduct of their  
3 staff, and otherwise failed to take actions necessary to provide a safe and secure learning  
4 environment for their students, violations of which are actionable under Title 34 of the Nevada  
5 Revised Statutes.  
6

7           **172.** Defendants were negligent and acted under color of state law when they failed to  
8 control the local public education, and condoned, ratified, and carried out discriminatory acts and  
9 expressions against Minor Plaintiff, and similarly situated students, where Minor Plaintiff was  
10 assaulted and battered by a teacher, and was subjected to bullying, harassment, and  
11 discrimination on the basis of his disability and race, violations of which are actionable under  
12 NRS 385 *Et. Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*,  
13 and NRS 392 *Et. Seq.*  
14

15           **173.** Defendants were negligent and acted under color of state law when they failed to  
16 act as stewards and guardians of the laws, the values, and the procedures of the Washoe County  
17 School District, and expressed inappropriate and unprofessional behavior and tolerated incivility  
18 and disrespect to Minor Plaintiff, and similarly situated students, where Minor Plaintiff's  
19 disability was discounted and his needs were not met, on the basis of his race, violations which  
20 are actionable under NRS 385 *Et. Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*,  
21 NRS 391 *Et. Seq.*, and NRS 392 *Et. Seq.*  
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1           **174.** Defendants were negligent and acted under color of state law when they failed to  
2 follow hiring and disciplinary procedures, and failed to revoke the license of a teacher whose  
3 actions were and are so objectionably offensive as to create a hostile environment, and where his  
4 behavior shocks the conscience, violations which are actionable under NRS 385 *Et. Seq.*, NRS  
5 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and NRS 392 *Et. Seq.*  
6

7           **175.** Defendants were negligent and acted under color of state law when they failed to  
8 provide a safe and respectful learning environment, and tolerated the bullying, harassment, and  
9 discrimination of Minor Plaintiff, on the basis of his disability and race, and where Defendants  
10 failed to adequately identify and report the discriminatory conduct, violations of which are  
11 actionable under NRS 385 *Et. Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*,  
12 NRS 391 *Et. Seq.*, and NRS 392 *Et. Seq.*  
13

14           **176.** Defendants were negligent and acted under color of state law when they failed to  
15 provide Minor Plaintiff with quality instruction not negatively impacted by poor attitudes among  
16 teachers, staff, and administration, and where Defendants failed to mitigate the harm, and Minor  
17 Plaintiff was assaulted and battered by a teacher, violations which are actionable under NRS 385  
18 *Et. Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and NRS  
19 392 *Et. Seq.*  
20

21           **177.** Defendants were negligent and acted under color of state law when they failed to  
22 act professionally and ethically when dealing with Minor Plaintiff, and failed to maintain  
23 appropriate boundaries of authority, and where Defendants failed to foster empathy and support  
24 for and encouragement of Minor Plaintiff, violations which are actionable under NRS 385 *Et.*  
25 *Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and NRS 392  
26 *Et. Seq.*  
27  
28

1           **178.** Defendants were negligent and acted under color of state law when they failed to  
2 adhere to the Nevada Model Code of Educator Ethics and failed to provide counseling and other  
3 services and resources to Minor Plaintiff, violations which are actionable under NRS 385 *Et.*  
4 *Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and NRS 392  
5 *Et. Seq.*  
6

7           **179.** As a result of the state created danger, Minor Plaintiff was actually and  
8 proximately harmed and sustained injuries.  
9

10           **180.** Defendants had a duty to promptly respond to all complaints, incidents, notices  
11 and allegations of prohibited conduct, and must also undertake safety and risk analyses,  
12 determine the justified license revocation of a teacher, and where Defendants are mandated to  
13 treat all such claims without bias or discrimination on the basis of race, color, or national origin,  
14 or disability, and failed to file Federal complaints.  
15

16           **181.** Defendants were negligent and acted under color of state law when they breached  
17 their duty of care and did fail to perform their duties, violations which are actionable under NRS  
18 385 *Et. Seq.*, NRS 385A *Et. Seq.*, NRS 386 *Et. Seq.*, NRS 388 *Et. Seq.*, NRS 391 *Et. Seq.*, and  
19 NRS 392 *Et. Seq.*  
20

21           **182.** Defendants had final authority and decision-making capacity to address the needs  
22 of Minor Plaintiff, and other similarly situated students, and specifically where Minor Plaintiff is  
23 a low achieving student in an underserved population, from a low income family, and where  
24 Defendants did dismiss such factors as their impact upon the disability of Minor Plaintiff, and  
25 where Defendants' demonstrated deliberate indifference to the plight of Minor Plaintiff and  
26 tolerance for discrimination, which did further aggravate Minor Plaintiff's disability, and caused  
27 behavioral problems that interfered with his learning and socialization.  
28

1           **183.** Defendants breached the duty of care owed to Plaintiffs by engaging in the  
2 abovementioned conducted repeated and realleged throughout the foregoing Complaint.

3  
4           **184.** Defendants’ negligent actions, and their deliberate indifference to the Minor  
5 Plaintiff, shocks the conscience and demonstrates a discriminatory and dangerous environment  
6 found within the Washoe County School District.

7           **185.** Defendants’ negligence and deliberate indifference caused actual and proximate  
8 damages and harm, and Minor Plaintiff suffered injuries and cumulative trauma now and into the  
9 future that will require medical and educational analyses, evaluations, and treatments, the cost of  
10 which entitles Minor Plaintiff to special damages in an amount to be proven at time of trial.

11  
12           **186.** Defendants’ negligence and deliberate indifference caused actual and proximate  
13 damages and harm, and Minor Plaintiff suffered injuries and emotional and psychological harm,  
14 humiliation, degradation, damaged relationships, and general emotional distress, where Plaintiffs  
15 claim both past and future damages, in an amount in to be provided at the time of trial.

16  
17           **187.** Defendants’ negligence and deliberate indifference caused actual and proximate  
18 damages and harm, and Minor Plaintiff suffered injuries, and Plaintiff Jane Doe, in her  
19 individual capacity, has and will into the future incur medical, educational, and other expenses  
20 for which she is entitled to recover in this action.

21  
22           **188.** The intentional conduct of Defendants were so despicable, oppressive, malicious,  
23 and engaged in with such conscious disregard for Minor Plaintiff’s rights and safety that punitive  
24 damages are warranted.

25  
26           **189.** That it has been necessary for Plaintiffs to retain the services of legal counsel for  
27 which Plaintiffs are entitled to recover such costs and expenses from Defendants.

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