

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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SOPHIA WILLIAMS)
1213 Staples Street NE)
Washington, DC 20002,)
Plaintiff,)
v.)
DISTRICT OF COLUMBIA)
One Judiciary Square)
441 Fourth Street, NW)
Washington, DC 20001,)
Defendant.)
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COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiff Sophia Williams, on behalf of her minor child K.W. and through undersigned counsel, for her complaint herein alleges as follows:

INTRODUCTION

1. This is a claim for injunctive and declaratory relief brought under the federal Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.* (“IDEA”). The Plaintiff seeks a judgment: 1) declaring that the District of Columbia Public Schools (“DCPS”) violated the IDEA and denied K.W. free appropriate public education (“FAPE”) by failing to comply with a September 8, 2006 Hearing Officer’s Determination (“HOD”) and failing to conduct evaluations in all areas of suspected disability; and 2) ordering DCPS to convene a multidisciplinary team (“MDT”) meeting in order to develop a compensatory education plan to compensate K.W. for DCPS’ failure to comply with the September 8, 2006 HOD and failure to conduct evaluations in all areas of suspected disability.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. § 1331, in that the action arises under the laws of the United States. This Court is a proper venue for this action pursuant to 28 U.S.C. § 1391(b)(1) and (2).

3. On June 4, 2007, the Plaintiff participated in an impartial administrative hearing of the claims made in this Complaint conducted by the DCPS Enforcement and Investigation Division. In an order dated June 12, 2007, the Hearing Officer denied the Plaintiff's claims and dismissed her case.

PARTIES

4. Sophia Williams is the mother of K.W., a thirteen-year-old girl. Ms. Williams and K.W. reside together in Washington, DC.

5. The District of Columbia is a municipal corporation that receives federal financial assistance in exchange for providing special education and related services.

6. The District of Columbia Public Schools ("DCPS") is an agency of the District of Columbia.

FACTS

7. DCPS has determined that K.W. qualifies for special education and related services as a child with a disability classification of "Emotionally Disturbed."

8. At a June 16, 2006 multidisciplinary team ("MDT") meeting, K.W.'s representative requested a psychiatric evaluation of K.W..

9. A September 8, 2006 HOD ordered, inter alia, DCPS to convene a multidisciplinary team (“MDT”) meeting on or before October 27, 2006, and at that meeting to review all K.W.’s current evaluations, review her progress at RCA, and update her IEP.
10. An MDT meeting convened on November 30, 2006, but the team did not update K.W.’s IEP.
11. On November 30, 2006, the MDT concluded that a psychiatric evaluation of K.W. was warranted, and DCPS committed to performing that evaluation.
12. DCPS did not perform a psychiatric evaluation of K.W. between November 30, 2006 and March 28, 2007.
13. On March 28, 2007, the Plaintiff filed an administrative “due process complaint” with DCPS.
14. The Plaintiff’s March 28, 2007 “due process complaint” alleged, inter alia, that DCPS had failed to comply with the September 8, 2006 HOD and had failed to conduct evaluations in all areas of suspected disability.
15. DCPS did not complete a psychiatric evaluation or revise K.W.’s IEP between November 30, 2006 and June 4, 2007.
16. On June 4, 2007, the Plaintiff participated in an impartial “due process hearing” of her complaint.
17. In his June 12, 2007 HOD, the Hearing Officer denied the Plaintiff’s requested relief and dismissed her administrative complaint.

COUNT I: FAILURE TO PROVIDE FREE APPROPRIATE PUBLIC EDUCATION

18. The allegations of Paragraphs 1-17 above are incorporated herein as if repeated verbatim.

19. The IDEA requires DCPS to provide all children with disabilities in its jurisdiction free appropriate public education (“FAPE”).
20. In failing to comply with the September 8, 2006 HOD and failing to conduct evaluations in all areas of suspected disability, DCPS has denied and continues to deny K.W. her right to FAPE under the IDEA.
21. As a result of this denial, K.W. has experienced and continues to experience harm to her educational development.

COUNT II: FAILURE TO CONDUCT EVALUATIONS IN ALL AREAS OF SUSPECTED DISABILITY

22. The allegations of Paragraphs 1-21 above are incorporated herein as if repeated verbatim.
23. The IDEA requires DCPS to evaluate each child with a disability in its jurisdiction in all areas of suspected disability.
24. By failing to conduct a necessary psychiatric evaluation of K.W., DCPS violated the IDEA denied K.W. her right to FAPE under the IDEA.
25. As a result of this denial, K.W. has experienced and continues to experience harm to her educational development

WHEREFORE, the Plaintiff respectfully requests that this Court:

- 1) find that DCPS violated the IDEA and denied by failing to comply with a September 8, 2006 Hearing Officer’s Determination (“HOD”) and failing to conduct evaluations in all areas of suspected disability;
- 2) order DCPS to convene a multidisciplinary team (“MDT”) meeting in order to develop a compensatory education plan to compensate K.W. for DCPS’ failure to comply with the September 8, 2006 HOD and failure to conduct evaluations in all areas of suspected

disability;

- 3) award the Plaintiff attorneys' fees and costs of this action; and
- 4) award all other relief the Court deems just.

Respectfully submitted,

/s/ Douglas Tyrka
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