

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

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STACY LASHAWN DAWKINS  
1223 Hamilton Street, N.E.  
Washington, D.C. 20001,  
on behalf of her minor grandson, C.D.,

Plaintiff,

v.

DISTRICT OF COLUMBIA

Defendant.

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Civil Action No. 2025-CAB-007566

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**INTRODUCTION**

Plaintiff Stacy Lashawn Dawkins (“Ms. Dawkins”), on behalf of her minor grandson, C.D., for whom she has permanent sole legal and sole physical custody, by and through undersigned counsel, brings the following claim for declaratory and injunctive relief against the District of Columbia (“DC”). DC Public Schools (“DCPS”), an agency of DC, discriminated against C.D. because of his disability and refused to allow him to meaningfully participate in the My School DC Lottery program, in violation of the DC Human Rights Act.

**JURISDICTION AND VENUE**

1. This Court has subject-matter jurisdiction pursuant to D.C. Code § 11–921.

**PARTIES**

**Plaintiff**

2. Plaintiff Stacy Lashawn Dawkins is a resident of the District of Columbia. She brings this suit on behalf of her minor grandson, C.D. Plaintiff has sole legal and physical

custody of C.D. by court order. Ex. 1. C.D. is four years old and was enrolled in, or seeking to be enrolled in, a DCPS school at all times relevant to this complaint.

**Defendant and Its Relevant Agencies**

3. Defendant District of Columbia, primarily through District of Columbia Public Schools, provides for and administers the education of all DC residents at the primary and secondary school level. Pursuant to D.C. Code § 38-172, the Mayor of the District of Columbia “shall have authority over all curricula, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities, and other education-related matters,” which authority may be delegated “to a designee as he or she determines is warranted for efficient and sound administration and to further the purpose of DCPS to educate all students enrolled within its schools or learning centers consistent with District-wide standards of academic achievement.” *Id.*

4. District of Columbia Public Schools is an agency of the District of Columbia, established pursuant to D.C. Code § 38-171. DCPS is administered by a Chancellor, appointed by the Mayor, with the authority to, among other things, “organize the agency for efficient operation,” “create offices within the agency, as necessary,” and “exercise the powers necessary and appropriate to operate the schools and school system and to implement applicable provisions of District and federal law.” D.C. Code § 38-174.

5. The DCPS Chancellor has created a Division of Specialized Instruction (“DSI”) within the Office of Teaching and Learning.

6. The District of Columbia Department of Education is an agency of the District of Columbia established pursuant to D.C. Code § 38-191. The Department of Education exercises oversight of, among other things, the Office of the State Superintendent of Education. *Id.* The

Office of the State Superintendent of Education was created pursuant to statute, D.C. Code § 38-2601. The Office serves as the state education agency for the District of Columbia. Among other things, it is responsible for “administer[ing] the common lottery system for admission to public schools in the District of Columbia.” D.C. Code § 38-2602(b)(4A).

7. The Common Lottery Board is an office within the Office of the State Superintendent of Education, created by statute. D.C. Code § 38-194. The Department of Education is charged, *inter alia*, with providing “administrative and technical support for the Common Lottery Board.” D.C. Code § 38-191. The purpose of the Common Lottery Board is “to develop and maintain a common lottery system for admission to public schools in the District of Columbia.” *Id.* The “common lottery system” operates under the name “My School DC Lottery.”

8. Takoma Elementary School (“Takoma”) and John Burroughs Elementary School (“John Burroughs”) are both schools within and under the supervision of DCPS.

9. Takoma is a participating school in the My School DC Lottery.

10. John Burroughs is a school located in Northeast DC that participates in the My School DC Lottery. John Burroughs is Ms. Dawkins’ in boundary school which C.D. attended during the 2024-2025 school year.

## **STATUTORY AND REGULATORY BACKGROUND**

### **The My School DC Lottery**

11. D.C. Code § 38-194 establishes the Common Lottery Board (“CLB”) within the Office of the State Superintendent of Education (“OSSE”) and defines its composition, powers, duties, and procedures. The CLB is responsible for administering the My School DC Lottery (“MSDC Lottery”) program, by adopting policies and procedures, developing a five-year

strategic plan, preparing an annual budget, promoting participation by local education agencies, fostering partnerships, and soliciting input from a Parent Advisory Council.

12. Pursuant to its statutory authority, DCPS publishes annually a “District of Columbia Public Schools Enrollment and Lottery Handbook.” For the 2025-2026 school year, the handbook is titled “SY25-26 District of Columbia Public Schools Enrollment and Lottery Handbook.” Ex. 2 (“Handbook”). According to DCPS, the Handbook “outlines and provides guidance to families and schools on the rules, guidelines, procedures, and practices for admission and enrollment in DCPS for School Year 2025-26 (SY25-26).” *Id.* at 4. The Handbook further states that “The Office of the State Superintendent of Education (OSSE) oversees the My School DC Lottery in collaboration with the DME, DCPS, the DC Public Charter School Board and participating public charter schools.” *Id.* at 14.

13. According to the Handbook, “The My School DC lottery process is available to all DC residents. No student shall be denied admission into DCPS as the LEA because of disabilities or suspected disabilities.” Ex. 2, at 15. Further, “Information about a child’s disability, including whether the child has an IEP, is not a factor in determining if a student can receive a lottery match to a DCPS school.” *Id.* at 25. The My School DC website, on its Key Terms page, states the following: “Students with disabilities can apply to any DCPS or public charter school... Public schools are legally prohibited from discriminating based on special education needs of students.” (See <https://www.myschooldc.org/faq/key-terms>).

14. While the Handbook states that “DCPS may enroll the student at a different school within the LEA than where the student was matched to appropriately serve the student’s IEP or ELL needs,” Ex. 2, at 15, nothing in the Handbook provides that, if a student is matched

with a school that can “appropriately serve the student’s IEP or ELL needs,” DCPS may nevertheless bar the student from attending the matched school.

15. The Handbook addresses students with needs such as C.D.’s as follows: “Where the child requires a self-contained classroom, the DSI will ensure that the child is offered the opportunity to attend a school as close as possible to their neighborhood school. Self-contained seats are assigned to students by DSI via a LOS [Location of Services]. If your child receives a match or waitlist offer to a school through the My School DC lottery that is different from the one indicated in your LOS, there is no guarantee that the new school can accommodate your child’s IEP or have space in the specific self-contained program needed. In these instances, the DCPS assigned LOS will supersede the lottery match or waitlist offer.” Ex. 2, at 25. In other words, only if the matched school cannot “accommodate [the] child’s IEP or [has no] space in the specific self-contained program needed” will the match not be honored.

16. Once a student’s school is selected via the lottery, the student has the right to enroll at that school in accordance with the school’s enrollment policies. “To secure a lottery seat, families must enroll their student at the matched school by the enrollment deadline of Thursday, May 1, 2025, by the end of the school day.” Ex. 2, at 22.

17. DCPS publishes a “Special Education Family Guide” online. In the “FAQ” section of the Guide (<https://dcpsspecial.ed.wixsite.com/home/faq>), the following question and answer appears. Ex. 3 at 8 (emphasis added).

“What if a student receives a lottery match at a school through the My School DC Lottery?”

**“[I]f your student needs a self-contained classroom to reach their IEP goals, you can’t use the lottery to pick a school.** Your student will go to a school that has the right classroom for them, and you will get a letter from DCPS that tells you where. This is because the MySchool DC lottery cannot override DCPS’ legal obligation to provide a FAPE to every student with a disability.”

## **The District of Columbia Human Rights Act**

18. The DC Human Rights Act, D.C. Code § 2-1402.41, prohibits denying or restricting access to any educational institution's services or programs on the basis of disability.

19. Under the Act, disability "means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment." D.C. Code § 2-1401.02(5A).

## **FACTUAL BACKGROUND**

### **Ms. Dawkins' Decision to Enter C.D. in the MSDC Lottery for the 2025-2026 School Year**

20. C.D. is the age of a rising Pre-K 4 student with a full-time Individualized Education Program ("IEP").

21. An IEP is "A written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability..." 5-A DCMR § 3099.1.

22. C.D. has had an IEP since he was three years old.

23. C.D.'s IEP mandates that he be educated in a self-contained, Communication and Education Support classroom environment ("CES self-contained classroom").

24. For the 2024-2025 school year, C.D. attended John Burroughs as a Pre-K 3 student.

25. While attending John Burroughs, C.D. and Ms. Dawkins encountered numerous issues that led Ms. Dawkins to conclude that the school was not a suitable fit for C.D.'s educational needs.

26. These challenges prompted Ms. Dawkins to seek a school for the 2025-2026 school year that she believed would be better equipped to meet her grandson's needs.

27. Ms. Dawkins emailed the DCPS Division of Specialized Instruction on November 21, 2024, to ask about the procedures for transferring C.D. to another school. Ex. 4.

28. DCPS DSI responded to Ms. Dawkins, requesting more information and explaining how the possibility of transfer would be determined. Ex. 4.

29. During a telephone call with a DCPS employee after this email exchange, Ms. Dawkins was told she could enter the MSDC Lottery for the chance to transfer C.D. to a different school. The employee knew at this time that C.D. had an IEP.

30. Ms. Dawkins decided to enter C.D. into the MSDC Lottery for the 2025-2026 school year.

31. Ms. Dawkins researched which DCPS schools had the capacity to provide C.D. with a CES self-contained classroom.

32. Ms. Dawkins ranked Takoma as her number one choice when entering the MSDC Lottery.

#### **C.D.'s Placement at Takoma Elementary School**

33. One March 28 and April 14, 2025, Ms. Dawkins received emails from Takoma stating that C.D. had been matched with Takoma for the 2025-2026 school year and explained the process for enrolling C.D. Ex. 5.

34. Ms. Dawkins also received an email from the MSDC Lottery on March 28, 2025 stating C.D. received a lottery match for Takoma for the 2025-2026 school year and explaining the process for enrolling C.D. Ex. 6.

35. After receiving the match emails, Ms. Dawkins went to Takoma in person to speak to the principal about C.D.'s educational needs. She was assured Takoma had an opening in one of its three CES self-contained classrooms and it would be able to accommodate C.D.'s IEP requirements.

36. On April 30, 2025, DCPS sent Ms. Dawkins a letter reminding her to enroll C.D. at Takoma before the deadline on May 1, 2025, to secure his lottery match spot. Ex. 7.

37. After receiving this email, Ms. Dawkins spoke to Lenneil T. Turner ("Ms. Turner"), Special Education Coach/LEA Rep Designee at Takoma, to ask about the LOS Letter. Ms. Dawkins wanted to be sure she enrolled C.D. by the deadline. Ms. Turner told Ms. Dawkins to wait to enroll C.D. at Takoma until the LOS Letter was issued.

38. Also on April 30, Ms. Dawkins received a text message from Ms. Turner informing her that Takoma was seeking to obtain a Location of Service ("LOS") Letter for C.D., and that C.D. would not "lose his place because the May 1 enrollment deadline is for general education classrooms." Ex. 8.

39. When the LOS Letter was not issued, Ms. Dawkins informed Ms. Turner that she nevertheless would be enrolling C.D. at Takoma to ensure C.D.'s position at Takoma was secure.

40. Ms. Dawkins completed the enrollment process for C.D. at Takoma on May 8, 2025, and received a confirmation email that C.D. was properly enrolled. Ex. 9.

#### **DSI's Refusal to Issue a LOS Letter for Placement of C.D. at Takoma**

41. On May 16, 2025, Ms. Turner informed Ms. Dawkins via email that DSI refused to issue C.D. a 2025-2026 school year LOS Letter for Takoma and decided his LOS would remain at John Burroughs. The email explained why the LOS for Takoma would not be



provided; DSI cited John Burroughs' proximity to Ms. Dawkins' address as one factor considered. Ex. 10.

42. Subsequently, Ms. Dawkins spoke with Crystal Millington, Interim Director of the Academic Programs Division at DSI. Contrary to the information previously provided to Plaintiff by Takoma (*see* para. 35 *supra*), Ms. Millington explained to Ms. Dawkins that Takoma could not accommodate C.D. due to limited capacity in its three CES self-contained classrooms.

43. During this conversation, Ms. Dawkins explained to Ms. Millington the numerous incidents that occurred last school year that made John Burroughs an inappropriate location for C.D.

44. Ms. Dawkins asked Ms. Millington if there was another school besides Takoma or John Burroughs that had CES self-contained classroom availability for C.D. Ms. Millington assured Ms. Dawkins she would investigate this and provide an answer. Ms. Millington never contacted Ms. Dawkins to answer her question.

45. Ms. Dawkins then reached out to the principal of Takoma regarding Ms. Millington's statement that Takoma could not accommodate C.D. due to limited capacity in its three CES self-contained classrooms. The principal informed Ms. Dawkins that this information was incorrect, and Takoma did in fact have CES self-contained classroom seats still open.

46. On May 27, 2025, AJE attorney Nadiya Pope emailed Ms. Millington on Ms. Dawkins' behalf, requesting a LOS letter for Takoma. Ms. Millington responded:

**"The Lottery is for General Education seats.** Students who have a full-time (20 hours or more) IEP receive a Location of Services letter, where that student can receive all of their services. So, although Ms. Dawkins received a lottery seat to Takoma, it was not for the CES [self-contained] classroom. These measures are in place due to the potential for classrooms going over capacity from students who do not live in the boundary. I hope this is helpful."

Ex. 11. (emphasis added)

47. On August 13, 2025, Ms. Pope emailed Ms. Turner to ask her about C.D.'s continued enrollment at Takoma. Ex. 12.

48. On August 20, 2025, Ms. Turner informed Ms. Pope that C.D. was only enrolled in Takoma's general education classroom, and his LOS was at John Burroughs. Ex. 12. Ms. Turner attached a "new" LOS letter for C.D. at John Burroughs for the 2025-2026 school year. Ex. 13. The letter was dated April 1, 2025. Ms. Dawkins had never received the letter prior to August 20, 2025.

49. The letter incorrectly states that C.D.'s LOS is changing to John Burroughs for the 2025-2026 school year, despite the placement being the same for the 2024-2025 school year. Ex. 13.

### **C.D.'s Future Education**

50. Ms. Dawkins decided that C.D. will not be attending Pre-K in the 2025-2026 school year at John Burroughs because of his negative experience there during the 2024-2025 school year.

51. The next round of the MSDC Lottery begins in December 2025 for school year 2026-2027.

52. Ms. Dawkins intends to enter C.D. in the MSDC Lottery for the 2026-2027 school year to enroll C.D. at a school that effectively meets his needs.

53. In the 2026-2027 school year C.D. will be of compulsory school age.

**PLAINTIFF'S CLAIM FOR RELIEF**

**VIOLATION OF THE DISTRICT OF COLUMBIA HUMAN RIGHTS ACT  
BY DENIAL OF C.D.'S RIGHT TO PARTICIPATE IN  
THE MY SCHOOL DC LOTTERY ON THE BASIS OF HIS DISABILITY**

54. Paragraphs 1 through 53 of this Complaint are incorporated as if fully set forth herein.

55. The DC Human Rights Act, D.C. Code § 2-1402.41, prohibits restricting access to an educational institution's programs on the basis of disability.

56. DCPS and OSSE are educational institutions.

57. DCPS partners with OSSE to administer the MSDC Lottery.

58. The MSDC Lottery program is a service or program provided by an educational institution.

59. DCPS has three employees who are voting members of the CLB, which governs MSDC.

60. The DCPS Special Education Family Guide FAQ explicitly states that children requiring self-contained classrooms cannot participate in the MSDC Lottery.

61. The email communications from Ms. Millington on May 27, 2025, reiterated that the MSDC lottery is only for general education students. Ex. 11.

62. DCPS, through DSI, maintains a policy and practice that discriminates against students who require a CES self-contained classroom by not allowing them to meaningfully participate in the MSDC Lottery.

63. DSI refused to let C.D. meaningfully participate in the MSDC Lottery solely by reason of his disability. This refusal to allow C.D. to meaningfully participate in the MSDC Lottery discriminates against him for his disability and denies him equal access to education.

64. Because DCPS's policy explicitly denies students with certain disabilities the right to meaningfully participate in the MSDC Lottery, DCPS's actions violate the District of Columbia Human Rights Act.

### **PRAYER FOR RELIEF**

For the foregoing reasons, Plaintiff respectfully requests that the court:

1. DECLARE that DCPS's policy of denying meaningful access to the My School DC lottery system to students whose IEPs direct placement in a CES self-contained classroom is discriminatory and in violation of the D.C. Human Rights Act, and ENJOIN Defendants from continuing this practice, beginning with the My School DC lottery for the 2026-2027 school year;
2. ORDER DCPS's Division of Specialized Instruction to promptly issue a LOS Letter for C.D. at Takoma Elementary School;
3. ORDER DCPS to promptly provide to C.D. a seat in Takoma's self-contained, Communication and Education Support Classroom environment;
4. ORDER DCPS to timely create and implement a corrective action plan that includes removing all policies related to school enrollment and the MSDC Lottery that deny students with full time IEPs equal access to the MSDC Lottery;
5. ORDER DCPS to timely collaborate with an independent, non-governmental District of Columbia based education organization that is culturally competent and has expertise in disability rights, to assist in the development and drafting of the corrective action plan;
6. ORDER DCPS to submit to the court, by a date or dates to be determined, periodic reports in a form acceptable to the court, setting forth the corrective action plan, the

assessment by the education organization referenced above on the efficacy of the corrective action plan, and its plan for timely implementation; and

7. PROVIDE such additional relief, on an interim basis or otherwise, as may be appropriate to protect the rights of Plaintiff, C.D., and similarly situated individuals to participate in the My School DC lottery in a manner that is not discriminatory.

Dated: November 14, 2025

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