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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

K.L. behalf of her grandson D.L., M.W. on  
behalf of her minor son B.W., and N.W. on  
behalf of her minor son C.W.

Plaintiff,

v.

TACOMA PUBLIC SCHOOLS, a Washington  
municipal corporation, FEDERAL WAY  
PUBLIC SCHOOLS, a Washington municipal  
corporation, BETHEL SCHOOL DISTRICT, a  
Washington municipal corporation, BHC  
FAIRFAX HOSPITAL, INC., dba  
NORTHWEST SCHOOL OF INNOVATIVE  
LEARNING, a Washington non-profit  
corporation, and OFFICE OF THE  
SUPERINTENDENT OF PUBLIC  
INSTRUCTION, a Washington State agency,

Defendants.

Case No. 25-2-12533-1

THIRD AMENDED COMPLAINT

COMES NOW the Plaintiffs by and through the undersigned attorneys, to bring a  
complaint against Defendants TACOMA PUBLIC SCHOOLS (“TPS”), FEDERAL WAY  
PUBLIC SCHOOLS (“FWPS”), BETHEL SCHOOL DISTRICT (“BSD”), NORTHWEST

1 SCHOOL OF INNOVATIVE LEARNING (“NW SOIL”), and Washington OFFICE OF THE  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION (“OSPI”), and alleges as follows:

3 **I. INTRODUCTION**

4 1.1 This case involves three minor students with disabilities who were knowingly sent  
5 by their school districts to NW SOIL, a facility infamous for abusing and mistreating vulnerable  
6 children. Each Plaintiff is a child who, due to behavioral challenges related to disabilities, was  
7 placed at NW SOIL as part of the child’s special education program.

8 1.2 BHC Fairfax Hospital dba NW SOIL was a Washington non-profit corporation  
9 operating as an OSPI-approved nonpublic agency (NPA) so-called “therapeutic day school”  
10 serving Washington public school special education students with public funds.

11 1.3 NW SOIL discriminated against all three Plaintiffs based on their disabilities.  
12 Through its restraint and isolation practices, NW SOIL discriminated against children with  
13 behavioral health disorders who, because of their disabilities, need behavior supports and services  
14 to access education services. The Plaintiffs were denied an equal education benefit of being able  
15 to access school without experiencing numerous restraints and isolation when it failed to follow  
16 the Plaintiffs’ behavior and education plans and failed to reasonably modify its procedures to  
17 provide the Plaintiffs with behavior supports necessary for them to engage in classroom  
18 instruction. Further, NW SOIL’s failure to establish a process to utilize necessary behavior  
19 supports denied the Plaintiffs the services necessary to accommodate their disabilities so they  
20 could enjoy an equal benefit of receiving educational services in a safe non-abusive environment.

21 1.4 Despite NW SOILs agreement with the school districts, and obligation under state  
22 and federal law, the students’ experiences at NW SOIL were profoundly disturbing and highlight  
23 the harrowing environment into which they were placed. The children were forcibly locked in

1 tiny isolation rooms that were unsanitary, with human urine and feces. The children were  
2 subjected to excessive, illegal, painful physical restraints almost daily, with staff reportedly  
3 twisting their arms behind their backs or pinning them down for extended periods. These restraints  
4 were then followed by placement in the isolation room.

5 1.5 The children were physically assaulted by staff and tormented by older students,  
6 with incidents of severe bullying and violence. D.L. was physically assaulted by peers at the  
7 direction of his teacher, who incited other students to beat him. In one particularly egregious  
8 incident, an older student pulled a gun on D.L. while on the school bus, threatening his life, an  
9 act that was met with indifference by NW SOIL and his school district for several weeks. The  
10 unchecked abuse extended to sexual harassment and indecent exposure by older students.

11 1.6 Despite clear indications that NW SOIL was an abusive environment, each of  
12 Defendant school districts chose to place these students there and leave them there. The districts  
13 had internal knowledge about the conditions at NW SOIL and chose to place these students there  
14 despite the foreseeable harm. Similarly, the districts also actively ignored parents and guardians  
15 when they reported the abuse and pleaded for help and investigations.

16 1.7 The Defendant school districts discriminated against the Plaintiffs based on their  
17 disabilities by knowingly placing them in a program that was far worse than any mainstream  
18 student would receive in terms of physical safety and educational programming. But for their  
19 disability, the defendant school districts would never have placed the Plaintiffs at NW SOIL or  
20 allowed them to be treated as they were.

21 1.8 As early as 2015, OSPI, the state agency responsible for overseeing and approving  
22 private special education programs, received numerous warnings about NW SOIL's abusive  
23 environment. OSPI conducted an on-site investigation of NW SOIL's Tumwater campus in mid-

1 2018 and even temporarily curtailed NW SOIL’s operations via a contingent approval. Yet OSPI  
2 continued to renew NW SOIL’s accreditation and allowed it to enroll new students through its  
3 closure in 2023. OSPI’s inaction in the face of known complaints permitted NW SOIL’s abusive  
4 practices to persist, further endangering students like the Plaintiffs.

5 1.9 The Defendant OSPI discriminated against the Plaintiffs based on their disabilities  
6 by knowingly licensing NW SOIL and allowing the placement of them in a program that was far  
7 worse than any mainstream student would receive in terms of physical safety and educational  
8 programming. But for their disability, the defendant OSPI would never have permitted the  
9 placement of the Plaintiffs at NW SOIL or allowed them to be treated as they were.

10 1.10 Each of the three children have been permanently harmed and emotionally  
11 traumatized by their time at NW SOIL. They have had difficulty reintegrating into a typical school  
12 environment, struggle with trust in educators and peers, and have fallen behind academically due  
13 to the years of a lack of appropriate education. The trauma these children suffered at the hands of  
14 those entrusted with their education will follow them for the rest of their lives.

15 1.11 The above-named Plaintiffs are not asserting any claims for educational services  
16 under the federal Individuals with Disabilities Education Act (“IDEA”) or for violation of any  
17 student’s Individualized Education Program (“IEP”).

18 1.12 This is a civil claim for the egregious negligence, reckless endangerment, abuse,  
19 discrimination, and injuries inflicted upon these children by those tasked with keeping students  
20 safe.

## 21 II. PARTIES

22 2.1 Plaintiff K.L. is the grandmother and legal guardian of D.L., an incapacitated  
23 person. She resides in University Place, Washington, in the County of Pierce. Her initials are

1 being used to protect the privacy of D.L.

2           2.2     Plaintiff D.L. is a significantly disabled student who was enrolled in Tacoma  
3 Public Schools during the period of time he attended NW SOIL. He has been diagnosed with  
4 Autism Spectrum Disorder, Post Traumatic Stress Disorder, Disruptive Mood Dysregulation  
5 Disorder, and Anxiety. D.L. is a member of a protected class by virtue of the foregoing diagnosed  
6 disabilities. He is currently 19 years old, but his grandmother, K.L., has full guardianship over  
7 D.L.'s person. As an incapacitated student with a disability, who was abused at school and was a  
8 minor at the time of the alleged incidents, his initials are used to protect his privacy. He currently  
9 resides with his grandmother in University Place, Washington in the County of Pierce.

10           2.3     Plaintiff M.W. is the parent of B.W., a minor. She resides in Federal Way,  
11 Washington, in the County of King. Her initials are being used to protect the privacy of B.W.

12           2.4     Plaintiff B.W. is a disabled student who has been enrolled in Federal Way Public  
13 Schools throughout his education. He has been diagnosed with Autism Spectrum Disorder,  
14 Attention Deficit Hyperactivity Disorder, Obsessive Compulsive Disorder, Oppositional  
15 Defiance Disorder, Sensory Processing Disorder, Tourette's Syndrome, and Post Traumatic Stress  
16 Disorder. B.W. is a member of a protected class by virtue of the foregoing diagnosed disabilities.  
17 Because he is a minor with a disability who was abused at school, his initials are used to protect  
18 his privacy. He resides in Federal Way, Washington, in the County of King with parent M.W.

19           2.5     Plaintiff N.W. is the parent of C.W., a minor. She resides in Spanaway,  
20 Washington, in the County of Pierce. Her initials are being used to protect the privacy of C.W.

21           2.6     Plaintiff C.W. is a disabled student who has been enrolled in Bethel School District  
22 throughout his education. He has been diagnosed with Autism Spectrum Disorder, Attention  
23 Deficit Hyperactivity Disorder, and Post-Traumatic Stress Disorder. C.W. is a member of a

1 protected class by virtue of the foregoing diagnosed disabilities. Because he is a minor with a  
2 disability who was abused at school, his initials are used to protect his privacy. He resides with  
3 his parent in Spanaway, Washington, in the County of Pierce.

4         2.7 Defendant TACOMA PUBLIC SCHOOLS is a governmental entity organized  
5 under the laws of the State of Washington and located in Pierce County, Washington. Defendant  
6 Tacoma Public Schools is a place of public accommodation. At all relevant times, Defendant TPS  
7 was subject to a duty to prevent discrimination against students with disabilities and to protect  
8 students from foreseeable harm.

9         2.8 Defendant FEDERAL WAY PUBLIC SCHOOLS is a governmental entity  
10 organized under the laws of the State of Washington and located in King County, Washington.  
11 Defendant Federal Way Public Schools is a place of public accommodation. At all relevant times,  
12 Defendant FWPS was subject to a duty to prevent discrimination against students with disabilities  
13 and to protect students from foreseeable harm.

14         2.9 Defendant BETHEL SCHOOL DISTRICT is a governmental entity organized  
15 under the laws of the State of Washington and located in Pierce County, Washington. Defendant  
16 Bethel Schools is a place of public accommodation. At all relevant times, Defendant BSD was  
17 subject to a duty to prevent discrimination against students with disabilities and to protect students  
18 from foreseeable harm.

19         2.10 Defendant NORTHWEST SCHOOL OF INNOVATIVE LEARNING was a  
20 Washington non-profit corporation run by Fairfax Hospital Inc., which serves students for the  
21 Tacoma Public Schools, Federal Way Public Schools, and Bethel School District. NW SOIL had  
22 three campuses in Washington, all of which are now closed after widespread allegations of abuse  
23 and neglect. Defendant NW SOIL is a place of public accommodation.



1 3.4 A tort claim notice was served on behalf of Plaintiff K.L. on Defendant Tacoma  
2 Public Schools on June 2, 2025, pursuant to RCW 4.96, *et seq.*

3 3.5 A tort claim notice was served on behalf of Plaintiff M.W. on Defendant Federal  
4 Way Public Schools on July 16, 2025, pursuant to RCW 4.96, *et seq.*

5 3.6 A tort claim notice was served on behalf of Plaintiff N.W. on Defendant Bethel  
6 Public Schools on May 15, 2025, pursuant to RCW 4.96, *et seq.*

7 3.7 A tort claim notice was served on behalf of Plaintiff K.L. on Defendant Office of  
8 The Superintendent of Public Instruction on October 31, 2025, pursuant to RCW 4.96, *et seq.*

9 3.8 A tort claim notice was served on behalf of Plaintiff M.W. on Defendant Office of  
10 The Superintendent of Public Instruction on October 31, 2025, pursuant to RCW 4.96, *et seq.*

11 3.9 A tort claim notice was served on behalf of Plaintiff N.W. on Defendant Office of  
12 The Superintendent of Public Instruction on October 31, 2025, pursuant to RCW 4.96, *et seq.*

13 **IV. FACTS**

14 **i. NW SOIL**

15 4.1 BHC Fairfax Hospital dba NW SOIL was a Washington non-profit corporation  
16 operating as an OSPI-approved nonpublic agency (NPA) so-called “therapeutic day school”  
17 serving Washington public school special education students with public funds at three Western  
18 Washington campuses in Tacoma, Tumwater, and Redmond.

19 4.2 BHC Fairfax Hospital, Inc. is part of Universal Health Services (UHS), a multi-  
20 billion dollar for-profit hospital management corporation. NW SOIL operated from 2000 until  
21 its closure in 2024 after a restrictive admission hold by OSPI at the start of the 2022-2023 school  
22 year following a five-part series of Pro Public articles exposing systemic abuse and neglect of  
23

1 disabled students enrolled at NW SOIL.<sup>1</sup>

2 4.3 In its Memorandum of Understanding (MOU) with various Washington school  
3 districts to place students with disabilities at NW SOIL campuses for special education  
4 programming, Fairfax dba NW SOIL agreed to various terms including:

- 5 a. During the entire term of this Agreement, Fairfax and District agree they shall both be  
6 and remain in compliance with all applicable guidelines, requirements and mandates  
7 issued by the Washington Office of Superintendent of Public Instruction.
- 8 b. Fairfax agrees that it shall be and remain in accordance with all regulations published  
9 by the OSPI and requirements for nonpublic agencies. . .
- 10 e. Fairfax agrees to provide each student placed in NWSOIL a Free Appropriate Public  
11 Educations (FAPE).

12 **ii. D.L.**

13 4.4 D.L. is currently nineteen years old and is diagnosed with Autism Spectrum  
14 Disorder (ASD), Post Traumatic Stress Disorder (PTSD), Disruptive Mood Dysregulation  
15 Disorder (DMDD), and Anxiety.

16 4.5 D.L. was a student in Tacoma Public Schools (“TPS”) during his early elementary  
17 years. During that time, D.L. presented with behavioral issues that qualified him for special  
18 education services.

19 4.6 He did well in a supportive preschool and even in kindergarten, but by first and  
20 second grade, his behavioral challenges intensified, leading to multiple school changes. The  
21 school had placed D.L. in a “split-class” with older students. He did not respond well to that  
22 placement and it led to his dysregulation.

23 4.7 By the time D.L. entered fourth grade, the 2016-17 school year, Defendant TPS  
was frequently suspending D.L. due to his behavioral struggles.

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<sup>1</sup> <https://www.propublica.org/article/therapeutic-schools-northwest-soil-invisible-washington>

1           4.8     In October 2016, Defendant TPS administrator, Tyler Stiner, recommended the  
2 District place D.L. at NW SOIL Tacoma campus through his individualized education plan.

3           4.9     Defendant TPS was aware of the conditions and treatment of students at the time  
4 it placed D.L. at NW SOIL. Defendant TPS would not have placed D.L. at NW SOIL but for his  
5 disabilities.

6           4.10    Defendant TPS did not inform or warn K.L. about NW SOIL’s known problems.  
7 Nevertheless, TPS assured K.L. that NW SOIL was the only and best option for D.L. K.L.  
8 seriously questioned this recommendation and requested to speak with staff and administration at  
9 NW SOIL. No one spoke to K.L. and she never got the answers to her questions and potential  
10 concerns. However, trusting the school district’s guidance, K.L. agreed to the placement, hoping  
11 it would help D.L. learn to manage his disability-related behaviors and keep him safe.

12           4.11    NW SOIL received public funds from Tacoma Public Schools to provide D.L. with  
13 a “free appropriate public education.” In doing so, Tacoma delegated day-to-day responsibility  
14 for D.L.’s education and safety to NW SOIL, but Defendant TPS remained responsible for  
15 overseeing D.L.’s placement and ensuring that it was safe and appropriate.

16           4.12    D.L. started school at NW SOIL in October 2016 and continued through the 2016-  
17 2019 school years.

18           4.13    D.L.’s tenure at NW SOIL was marked by severe abuse and neglect. Throughout  
19 D.L.’s three years at NW SOIL, he learned very little and left extremely traumatized.

20           4.14    Instead of receiving therapeutic support promised to his grandmother, D.L. was  
21 frequently restrained and isolated as a punishment for his disability-related behaviors. NW SOIL  
22 staff used painful restraint techniques, such as twisting D.L.’s arms and pinning his limbs.  
23

1           4.15   He was frequently placed in a small isolation room. This was a small square room,  
2 frequently covered in blood, vomit, urine, and feces. D.L.'s treatment and education were  
3 different from, and significantly worse than, that received by students without disabilities who  
4 remained in mainstream schools. D.L. was subject to numerous unnecessary restraints and  
5 isolation while at NW SOIL because of his disabilities. NW SOIL did not implement D.L.'s IEP  
6 in terms of the staffing required by it and failed to modify its practices to provide the behavioral  
7 supports necessary for him to engage in classroom instruction.

8           4.16   Administrators from D.L.'s school district, NW SOIL, and OSPI were aware of  
9 the discriminatory treatment suffered by D.L., and those administrators were deliberately  
10 indifferent to the severe, pervasive, and objectively offensive discrimination which deprived D.L.  
11 of equal access to educational opportunities. Administrators from D.L.'s school district, NW  
12 SOIL, and OSPI additionally failed to report the child abuse of D.L. to the Washington  
13 Department of Social and Health Services (DSHS) or the proper law enforcement agency when  
14 they had reasonable cause to believe D.L. was being abused.

15           4.17   On the playground, D.L. was exposed to used condoms, heroin needles, and drug  
16 paraphernalia.

17           4.18   D.L. also suffered direct physical assault by peers and staff. He was hit, kicked,  
18 and even bitten by other students in the program, some of whom were much older or larger, in  
19 incidents that occurred due to a shocking lack of supervision.

20           4.19   NW SOIL staff often failed to intervene in fights or prevent the bullying of D.L.  
21 On occasions when D.L. came home with bruises, cuts, or bite marks from these altercations, NW  
22 SOIL staff downplayed the incidents when the grandmother asked about them and often stated  
23 that the injuries were self-inflicted.

1           4.20   Similarly, D.L. was sometimes beaten by other students in his class at the direction  
2 of his teacher, who encouraged the violence, saying, “I can’t hit him, but you all can.”

3           4.21   Those already concerning circumstances were exacerbated by what happened on  
4 the bus. D.L. was transported with students much older and bigger than he was. The older students  
5 harassed and threatened D.L. This included, but was not limited to, stealing his food and even  
6 throwing feces at him.

7           4.22   When D.L. was 10 or 11 years old, an older student brought a gun onto the bus to  
8 NW SOIL, brandished the gun at D.L., and threatened to kill him. This disturbing incident was  
9 reported to the NW SOIL and TPS, who took no action for several weeks and never provided a  
10 meaningful investigation or update to his grandmother. When other students at NW SOIL  
11 suspected D.L. had reported the death threat, a group of students attacked and beat him on the  
12 NW SOIL campus shortly thereafter in retaliation for “snitching.”

13           4.23   NW SOIL staff also neglected D.L.’s medical and therapeutic needs. D.L. was  
14 taking prescription medication due to his disabilities. NW SOIL was responsible for administering  
15 his doses during the school day. However, K.L. discovered on multiple occasions that unused  
16 pills were coming back home in D.L.’s pill case, indicating that NW SOIL staff had failed to give  
17 D.L. his medication as prescribed. Without his medication, D.L.’s ability to regulate his emotions  
18 and behavior worsened, leading to more crises, which in turn, NW SOIL staff responded to with  
19 increased restraints and isolations.

20           4.24   The restraint, confinement, and detention of D.L. was intentional, excessive and  
21 unlawful, and against D.L.’s will. D.L. did not consent to the offensive intentional touching.  
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1           4.25 Throughout D.L.'s placement at NW SOIL, K.L. was a tireless advocate for his  
2 well-being. She repeatedly raised concerns with TPS officials and NW SOIL administrators about  
3 the treatment D.L. was experiencing.

4           4.26 Over the course of D.L.'s enrollment, Defendant TPS held multiple meetings  
5 where K.L. begged for help and action from the District. K.L. contacted Defendant TPS' special  
6 education administrator, Tyler Stiner, as well as the (then) head of NW SOIL, David Belling, to  
7 report the restraints, isolation, injuries, and the gun incident.

8           4.27 Despite her efforts, little to nothing was done.

9           4.28 Mr. Stiner and other TPS personnel largely ignored or downplayed her reports.

10          4.29 NW SOIL's responses, if any, were similarly dismissive. On one occasion, when  
11 confronted with complaints, a NW SOIL administrator made excuses and implied that D.L. was  
12 causing his own problems, rather than acknowledging any wrongdoing by staff.

13          4.30 Ultimately, TPS agreed to remove D.L. from NW SOIL only after K.L. threatened  
14 to involve attorneys and pursue legal action. On or about April or May 2018, Defendant TPS  
15 finally changed D.L.'s educational placement out of NW SOIL.

16          4.31 As a result of the mistreatment D.L. received from NW SOIL, D.L. continues to  
17 be behind academically, and he struggles to manage his emotions.

18          4.32 He emerged profoundly traumatized and continues to feel unsafe at school,  
19 operating in a state of hyper-vigilance.

20          4.33 He cannot ride the bus anymore due to his bus-related trauma: If he is forced to  
21 ride a school bus he becomes visibly distraught.

22          4.34 D.L. has been diagnosed with PTSD due to his placement at NW SOIL. His  
23 anxiety has similarly worsened, leading him to develop symptoms related to trichotillomania. He

1 cannot drive past the former campus of NW SOIL without having an anxiety attack, and he needs  
2 to have advance warning and preparation before he can discuss NW SOIL.

3 4.35 K.L. has been deeply affected by what happened to her grandson. K.L. left with  
4 severe guilt and anxiety over what happened to D.L. at school. Without information about what  
5 was happening to D.L., she could not protect him.

6 **iii. B.W.**

7 4.36 B.W. is currently sixteen years old and diagnosed with ASD, Attention Deficit  
8 Hyperactivity Disorder (ADHD), Obsessive Compulsive Disorder (OCD), Oppositional Defiance  
9 Disorder (ODD), Sensory Processing Disorder (SPD), Tourette's Syndrome, and PTSD.

10 4.37 B.W. was six years old when he started first grade at Enterprise Elementary School  
11 within Defendant Federal Way Public School (“FWPS”) during the 2015-16 school year.

12 4.38 Almost immediately, B.W. became overwhelmed with sensory processing issues  
13 by being in a large class.

14 4.39 Within a few weeks of the school year, B.W. struggled with disability-related  
15 behaviors. The District unilaterally decided it could not serve him, and, rather than providing  
16 additional supports at his neighborhood school, Defendant FWPS decided to change B.W.’s  
17 placement to NW SOIL, Tacoma campus.

18 4.40 At barely six years old, B.W. was one of the youngest students at NW SOIL and  
19 one of the youngest students Defendant FWPS had placed there.

20 4.41 NW SOIL received public funding from Defendant FWPS to provide B.W. a “free  
21 appropriate public education” though Defendant FWPS remained responsible for the  
22 appropriateness and safety of the placement.

1           4.42   M.W. went to tour NW SOIL in September of 2015, prior to B.W.'s first day. What  
2 she saw immediately alarmed her. Outside the school's entrance, she observed several unhoused  
3 individuals, visibly intoxicated, loitering right by the doors through which children passed.

4           4.43   The school itself looked more like a secure, institutional facility than an  
5 elementary school. Inside, M.W. heard screaming and witnessed NW SOIL staff actively  
6 restraining a child who was in distress.

7           4.44   Once inside, M.W. saw ten to fifteen kids restrained in the hallways and observed  
8 black tape squares being used to demarcate where they were restrained. The atmosphere was  
9 chaotic and prison-like, with far more security guards than teachers apparent.

10          4.45   M.W. expressed her concerns about these observations both to NW SOIL staff and  
11 to Defendant FWPS administrators, questioning whether this was a suitable place for a six-year-  
12 old. She was repeatedly told by Defendant FWPS that NW SOIL was the "only option" available  
13 for B.W. to receive an education, given his needs, and that she should not worry.

14          4.46   Immediately, B.W. was exposed to rampant violence and cruelty. Being so young,  
15 B.W. became an immediate target for some of the older students. He was regularly physically  
16 assaulted by older students, often with no adults intervening.

17          4.47   Some of the teenage students at NW SOIL would suddenly grab B.W. and slam  
18 him against a wall. One particular older boy took a special interest in tormenting B.W. This  
19 teenager told little B.W., "You are gonna be my bitch," and would shove and jostle B.W.  
20 throughout the day.

21          4.48   B.W. frequently came home with bruises covering his arms.  
22  
23

1           4.49    When M.W. asked her son if any adults had been present or tried to stop these  
2 assaults, B.W. told her they were not. In many instances, there were no staff around at all, or the  
3 staff simply did not notice or respond.

4           4.50    M.W. also noticed during his placement at NW SOIL that B.W. had started using  
5 foul language at home and discussing inappropriate topics he had never known about previously.

6           4.51    Similarly, his behavior at home changed. He began using aggressive, intimidating  
7 behaviors toward his younger brother that he had never shown before. In one instance, B.W. held  
8 a knife to his younger brother's forehead, claiming he was a security guard. B.W.'s younger  
9 brother was also left "on the back burner" when B.W. would come home and start threatening the  
10 violence he learned at the "school." M.W. would have to tell her younger son to go to her office  
11 and lock the door while she calmed the situation down enough for everyone to be safe, which  
12 would often take hours. This caused serious issues with his younger brother that required years  
13 of therapy to address.

14           4.52    NW SOIL's own employees also abused and belittled B.W. The very teachers and  
15 staff who were supposed to support him instead at times mocked his appearance and his family's  
16 financial means.

17           4.53    On one notable day near Christmas of 2015, B.W. arrived at school excited about  
18 the holiday and innocently mentioned Santa Claus in class. In response, his teacher cruelly  
19 ridiculed him in front of all the other students, saying B.W. was "stupid" for believing in Santa  
20 and that Santa wasn't real.

21           4.54    This humiliating public shaming devastated B.W.; he came home crying and  
22 severely dysregulated.  
23

1           4.55    In addition to the peer bullying and verbal abuse by staff, NW SOIL subjected  
2 B.W. to a relentless regimen of physical restraints and isolation. Nearly every day, if B.W. became  
3 dysregulated or non-compliant, NW SOIL’s response was to have security staff physically  
4 restrain and then confine him in an isolation room once he was subdued.

5           4.56    The restraint, confinement, and detention of B.W. was intentional, excessive and  
6 unlawful, and against B.W.’s will. B.W. did not consent to the offensive intentional touching.

7           4.57    These isolation rooms were small, foul-smelling spaces with stains of urine and  
8 feces on the walls and floor. B.W. was sometimes left alone in these rooms for hours. As B.W.  
9 was dragged, crying to the isolation room, he would often be told to “stop crying or I’ll put a  
10 monster in there with you.” As a six-year-old, being locked away in a dirty, empty room was  
11 petrifying and exacerbated his distress. B.W.’s treatment and education were different from, and  
12 significantly worse than, that received by students without disabilities who remained in  
13 mainstream schools. B.W. was subject to numerous unnecessary restraints and isolation while at  
14 NW SOIL because of his disabilities. NW SOIL did not implement B.W.’s IEP in terms of the  
15 staffing required by it and failed to modify its practices to provide the behavioral supports  
16 necessary for him to engage in classroom instruction.

17           4.58    Administrators from B.W.’s school district, NW SOIL, and OSPI were aware of  
18 the discriminatory treatment suffered by B.W., and those administrators were deliberately  
19 indifferent to the severe, pervasive, and objectively offensive discrimination which deprived B.W.  
20 of equal access to educational opportunities. Administrators from B.W.’s school district, NW  
21 SOIL, and OSPI additionally failed to report the child abuse of B.W. to DSHS or the proper law  
22 enforcement agency when they had reasonable cause to believe B.W. was being abused.

1           4.59    The prolonged, repeated isolation deeply traumatized B.W., instilling in him a  
2 sense of abandonment and terror. Beyond the immediate injuries, these tactics had a severe  
3 psychological impact on B.W., leading to school refusal<sup>2</sup> and significant emotional trauma.

4           4.60    Beyond the isolation itself, B.W. experienced a shockingly aggressive process of  
5 being restrained and forced into the isolation room. For instance, one teacher repeatedly grabbed  
6 him and dragged him to the room. At times, the teacher pushed him inside.

7           4.61    Similarly, the security guards would physically restrain B.W. and violently take  
8 him to the isolation room. The security guards had an office where M.W. describes seeing  
9 inappropriate posters covering the walls. The guards, who seemed to be in their twenties, used  
10 foul language and engaged in improper conversations in front of M.W. They laughed about  
11 restraints used with B.W., and M.W. was so shocked she initially thought they were joking.

12          4.62    NW SOIL’s lack of supervision also led to B.W. being exposed to dangerous and  
13 sexually inappropriate situations involving other students.

14          4.63    In one incident, some older students pressured B.W. to join a so-called “challenge”  
15 where they made him hold onto a metal radiator or pipe in the classroom that had been heated,  
16 causing him to burn himself. B.W. suffered severe burns on his hand as a result.

17          4.64    Another student repeatedly exposed his genitals to B.W. in an area during recesses  
18 where no teachers were supervising. These types of incidents were never properly addressed by  
19 NW SOIL staff; the offending students were not removed from class or adequately supervised to  
20 prevent recurrence.

21  
22  
23 <sup>2</sup> School refusal is considered a symptom of diagnosis contained in the *Diagnostic and Statistical manual of Mental Disorders (DSM-5)*. It is defined as the regular refusal to attend school or a routine problem staying at school.

1           4.65   NW SOIL allowed a climate of lawlessness and abuse where students like B.W.  
2 were continually victimized.

3           4.66   M.W. frequently detailed her serious concerns and the horrible experiences her  
4 son endured at NW SOIL to FWPS staff through meetings, letters, and emails, explaining why  
5 this was an inappropriate placement. After enduring several months of this nightmare, M.W.  
6 could no longer tolerate the risk to her son. Before the end of the 2015–2016 school year, she  
7 removed B.W. from NW SOIL against the District’s initial recommendations, determined to  
8 protect him from further harm.

9           4.67   In the process of withdrawing him, M.W. detailed to FWPS officials everything  
10 that had occurred – the restraints, the isolation, the bullying, the injuries, the teacher’s cruel  
11 behavior – expecting that the District would take action.

12           4.68   Instead, her reports were met with apathy. FWPS did not investigate NW SOIL  
13 or report any of the incidents to state authorities at that time. It appeared to M.W. that the District  
14 was more concerned with avoiding responsibility than with the safety of students.

15           4.69   To this day, B.W. exhibits profound signs of extreme psychological trauma. He  
16 became notably sullen, anxious, and fearful, often experiencing nightmares and flashbacks of  
17 being locked in the isolation room at NW SOIL.

18           4.70   These traumatic experiences led to an intense fear of being alone and of the dark,  
19 both of which he directly traced back to his time in isolation at the facility. Shortly after his  
20 placement at NW SOIL, M.W. found several of B.W.’s drawings, in which he appeared to have  
21 drawn himself in jail and wrote that he wanted to die.

1           4.71   Alarming, by the age of 7 or 8, B.W. expressed a desire to die, telling his mother  
2 that he wished he “was dead” and engaging in self-harming behaviors such as cutting or hitting  
3 himself. This led to him being hospitalized in a psychiatric unit.

4           4.72   B.W. explicitly attributed these suicidal ideations and self-harming behaviors to  
5 his experiences at NW SOIL, where the pain, fear, and humiliation he endured made him believe  
6 he was “bad” and that life was too scary. As a result of these suicidal ideations, M.W. was  
7 compelled to seek intensive counseling and psychiatric help for B.W. to address the severe  
8 emotional and psychological distress he was experiencing.

9           4.73   B.W. continues to face significant challenges in both educational and social  
10 settings due to his traumatic experiences at NW SOIL. His ability to trust teachers, school staff,  
11 and authority figures is severely compromised, as he associates authority figures with the abuse  
12 and neglect, he suffered at NW SOIL.

13           4.74   Routine disciplinary measures or even benign corrections can trigger  
14 disproportionate fear in B.W., as he harbors a deep-seated expectation that any mistake could lead  
15 to harm or isolation. He continues to feel intimidated by and fearful of teachers and school staff,  
16 ultimately leading to his recent decision to exit his formal education before graduating.

17           4.75   His academic progress was notably derailed during his time at NW SOIL, where  
18 instead of learning foundational skills in reading and math, he spent the year merely trying to  
19 survive amidst the abuse.

20           4.76   Following his time at NW SOIL B.W. has required ongoing special education  
21 support to address the learning deficits that have resulted from this lost time, compounded by  
22 emotional trauma that distracts him from learning due to persistent anxiety. He continues to suffer  
23 from anxiety disorders and PTSD, necessitating therapy that is expected to continue for many

1 years to help him cope with the lasting impact of his experiences. B.W. continues to have  
2 nightmares about his experience with NW SOIL to this day and has discussed with his counselor  
3 efforts to repress the memories.

4 4.77 M.W. has also endured significant pain and trauma as a result of her son B.W.'s  
5 experiences at NW SOIL. She describes her experience with NW SOIL as the most traumatizing  
6 thing she has ever gone through. In January 2016, when she was fighting to remove B.W. from  
7 NW SOIL, M.W. had a stroke. The doctors said there was no medical or health explanation for  
8 the stroke and attributed this medical scare to severe stress.

9 4.78 The distressing conditions and abuse that B.W. faced at NW SOIL have deeply  
10 affected M.W., as she witnessed her son suffer both physically and emotionally. Despite her  
11 efforts to express concerns to the school and Defendant FWPS, she was met with indifference,  
12 leaving her feeling helpless and frustrated.

13 4.79 The knowledge that B.W. was subjected to physical abuse by older students, verbal  
14 abuse by teachers, and inappropriate conduct by peers, all while being isolated in unsanitary  
15 conditions, has been a source of immense anguish for M.W. She believes that this ordeal has  
16 directly caused her son's lifelong struggles with school and learning. The psychological impact  
17 on B.W., including suicidal ideation and self-harm, has only compounded her suffering, as she  
18 grapples with the long-term effects of his traumatic experiences.

19 **iv. C.W.**

20 4.80 C.W. is a sixteen-year-old diagnosed with Autism, ADHD, and PTSD.

21 4.81 In the 2017–2018 school year, C.W. was a six-year-old first-grade student residing  
22 within Defendant Bethel School District (“BSD”). C.W. struggled with significant behavioral  
23

1 issues related to his disabilities, often starting by hiding under his desk when he could not  
2 complete tasks, and escalating when staff did not respond appropriately.

3 4.82 His behaviors worsened over the year, and Defendant BSD was frequently calling  
4 N.W. to pick him up early — sometimes as often as three times a week.

5 4.83 N.W. repeatedly requested that B.W. be placed in an Emotional Behavior  
6 Disability classroom at meetings held with Defendant BSD about three times weekly., Defendant  
7 BSD consistently denied those requests.

8 4.84 In or about June 2017, Defendant BSD placed C.W. at NW SOIL. However,  
9 almost immediately upon his arrival, C.W. was subjected to frequent and excessive restraint and  
10 isolation by the staff. NW SOIL personnel routinely seized and physically restrained C.W. in  
11 response to his disability-related behaviors.

12 4.85 For instance, C.W. frequently had two security guards drag him to the isolation  
13 room, and his teacher was known to squeeze students' necks to direct them.

14 4.86 The restraint, confinement, and detention of C.W. was intentional, excessive and  
15 unlawful, and against C.W.'s will. C.W. did not consent to the offensive intentional touching.

16 4.87 He was often confined in a "calm room," a small, empty isolation room, for  
17 extended periods. The conditions of this room were deplorable, with walls and floors stained with  
18 dried blood, urine, and feces.

19 4.88 On multiple occasions, C.W. soiled himself while locked in isolation and was left  
20 in that state without proper supervision or timely care from the staff. These incidents were only  
21 brought to the attention of N.W. when she was called to pick him up, as the records did not reflect  
22 these events.

1           4.89 C.W., a vulnerable six- or seven-year-old child, endured a particularly harrowing  
2 incident. A security guard employed by NW SOIL grabbed C.W. by the neck and forcefully  
3 shoved his face into a cup of orange juice that he had been drinking.

4           4.90 This act was not only a form of punishment but also served as a method of  
5 intimidation, leaving C.W. frightened, humiliated, and physically hurt. The forceful nature of the  
6 act caused juice to enter C.W.'s nose, leading to choking and further distress. C.W.'s treatment  
7 and education were different from, and significantly worse than, that received by students without  
8 disabilities who remained in mainstream schools. C.W. was subject to numerous unnecessary  
9 restraints and isolation while at NW SOIL because of his disabilities. NW SOIL did not  
10 implement C.W.'s IEP in terms of the staffing required by it and failed to modify its practices to  
11 provide the behavioral supports necessary for him to engage in classroom instruction.

12           4.91 Administrators from C.W.'s school district, NW SOIL, and OSPI were aware of  
13 the discriminatory treatment suffered by C.W., and those administrators were deliberately  
14 indifferent to the severe, pervasive, and objectively offensive discrimination which deprived C.W.  
15 of equal access to educational opportunities. Administrators from C.W.'s school district, NW  
16 SOIL, and OSPI additionally failed to report the child abuse of C.W. to DSHS or the proper law  
17 enforcement agency when they had reasonable cause to believe C.W. was being abused.

18           4.92 N.W. became increasingly concerned about what C.W. was exposed to at NW  
19 SOIL when he began coming home with knowledge and language that were far beyond his  
20 previous experience.

21           4.93 He suddenly demonstrated familiarity with drugs and drug paraphernalia, referring  
22 to them by street names he had not known before. He also began speaking in jargon on topics that  
23

1 were new and inappropriate for his age, and his mother observed an increase in sexualized talk  
2 that had not previously been part of his vocabulary.

3 4.94 The mistreatment of C.W. extended beyond the classroom to his transportation to  
4 and from the facility, with the knowledge and implicit approval of BSD. On the hour-long bus  
5 ride, staff routinely shackled C.W. and forced him to wear a helmet with a face cover during bus  
6 rides, despite the absence of any legitimate safety justification for such extreme measures on a  
7 young child with behavioral disabilities.

8 4.95 On one particular occasion, C.W.'s grandmother captured a photograph of him  
9 disembarking from the bus, wearing a full helmet with a face shield, a canvas shirt with his hands  
10 bound in front of him, and the helmet's chin strap attached to the shirt.

11 4.96 When questioned by his grandmother about the necessity of such restraints, the  
12 response was that it was to keep him "safe" because he had been "unsafe." Disturbed by this  
13 treatment, C.W.'s mother contacted NW SOIL's Director and sought the assistance of parent  
14 advocate.

15 4.97 Upon reviewing the bus video, to N.W.'s horror, her son had not been restrained  
16 because he was threatening or physically harming himself or another student. The driver stopped  
17 the bus and shackled C.W., causing him to become terrified and thrash only after being restrained,  
18 because he was spitting on a window.

19 4.98 This incident prompted N.W., with assistance from her advocate to question  
20 C.W.'s placement at NW SOIL and advocate for his removal.

21 4.99 Throughout C.W.'s enrollment at NW SOIL, he received little to no meaningful  
22 education. Despite being purportedly placed there to address his educational needs, C.W. was  
23

1 denied basic academic instruction; his days were instead dominated by isolation, restraint, and  
2 chaos.

3 4.100 N.W. observed that her son was not bringing home schoolwork or evidence of  
4 learning, and when she attempted to become more involved, NW SOIL actively barred her from  
5 volunteering in the classroom or freely observing his school environment. This lack of  
6 transparency left her in the dark about what was truly happening to her son.

7 4.101 C.W. remained at NW SOIL for approximately one year during his first-grade  
8 year, starting on June 6, 2017, through around June 2018. Prior to this placement, he had been  
9 diagnosed with Autism and ADHD. While at NW SOIL, C.W. was denied the professional help  
10 he needed.

11 4.102 During his enrollment at NW SOIL, C.W. gained a significant amount of weight,  
12 which his mother and treating providers attribute to the use of food incentives at NW SOIL and  
13 over-eating related to his anxiety, depression, and trauma while enrolled at NW SOIL. As a result  
14 of his weight gain, C.W. was subjected to relentless and humiliating harassment and bullying by  
15 other students at NW SOIL that went unmitigated by any adults tasked with maintaining the  
16 learning environment. This cruelty at the hands of other students further exacerbated C.W.'s pain  
17 and suffering.

18 4.103 Instead of receiving counseling and structured behavioral supports, he was  
19 subjected to an environment of fear and abuse. He experienced repeated abuse, humiliation,  
20 isolation, and neglect at the hands of school personnel and contracted security staff.

21 4.104 By the time he was removed from the program, he had suffered significant trauma  
22 and learned to associate school with pain, danger, and humiliation. Afterward, his family  
23

1 intensified his services, increasing behavior therapy to four days per week, three hours per day,  
2 in addition to psychiatric care, pediatric follow-up, and neurological care.

3 4.105 Despite these efforts, C.W. continues to bear the effects of that year. Now a high  
4 school student, he has been formally diagnosed with PTSD as a direct result of his time at NW  
5 SOIL.

6 4.106 He continues to struggle with anxiety, hyper-vigilance, and distrust in school  
7 environments, fearing harm to himself or peers. Academically, he fell far behind his peers, and  
8 although he has made progress with intensive support and significant home instruction provided  
9 by his mother, he remains delayed. He missed out on much of his childhood, still has difficulty  
10 forming friendships, and finds it hard to focus on learning due to the deep emotional scars from  
11 his first-grade year.

12 4.107 Throughout C.W.'s enrollment, N.W. persistently emailed, called, and met in  
13 person with Defendant BSD staff, including NW SOIL's Director to voice her concerns.

14 4.108 Recently, that director discussed with N.W. that she has long struggled with  
15 "mixed feelings" about NW SOIL, her consistent concerns centered on the lack of academic  
16 instruction, the impression that students spent their time playing rather than learning, and the  
17 repeated use of restraints that she personally observed on multiple visits.

18 4.109 The ongoing trauma of these experiences has haunted N.W. ever since, and the  
19 harm inflicted on her son and family has never gone away. After experiencing the horrors her son  
20 endured at NW SOIL, N.W. pursued a career as a special education teacher to ensure no child or  
21 family ever had to experience that harm.

22 4.110 N.W. has been left with profound guilt, anger, and emotional distress over what  
23 happened to her son. While he was at NW SOIL, she felt in her heart that the placement was

1 wrong, but she relied on the judgment of professionals she trusted, only to discover later that her  
2 son was being traumatized under the guise of “education.”

3 4.111 N.W. persistently begged Defendant BSD to provide the supports she knew he  
4 needed, but the District refused to listen. Without transparency from BSD or NW SOIL, she could  
5 not protect C.W. when he needed her most.

6 4.112 Over time, the strain of this placement had devastating consequences for C.W.,  
7 N.W., and his family. N.W. and her husband ultimately divorced from the stress, and she has  
8 carried profound guilt for allowing C.W. to remain in such a harmful environment.

9 4.113 She poured herself into compensating for the education he lost by arranging  
10 therapy, providing extra instruction at home, and dedicating her time and energy to trying to meet  
11 his needs.

12 4.114 This relentless focus on C.W. came at a cost to the rest of the family. N.W. herself  
13 has been in therapy every Tuesday for about a year after the NW SOIL placement, a direct result  
14 of the trauma she and her family endured.

15 **v. OSPI’s Oversight and Knowledge of NW SOIL**

16 4.115 NW SOIL operated as a “non-public agency” (NPA) or special education  
17 placements only with the authorization and oversight of Defendant OSPI since 2000. OSPI was  
18 aware for many years that NW SOIL was failing to provide a safe, appropriate education for the  
19 students placed there. Upon information and belief, OSPI was aware, for roughly a decade, of the  
20 abysmal conditions at its multiple campuses. However, despite complaints by Parents, District  
21 representatives, and OSPI employees that NW SOIL was not a safe place to send vulnerable and  
22 traumatized disabled children, OSPI failed to take any action. In fact, on at least one occasion  
23 when a District raised concerns about NW SOIL, OSPI informed that District they were the ones

1 responsible for investigating the complaints. All during this time, OSPI maintained NW SOIL's  
2 NPA status which enabled hundreds of students to be placed there to endure abuse and neglect.

3 4.116 Moreover, in 2018, multiple school districts (including McCleary, Tumwater, and  
4 others) reported serious concerns to OSPI about abuse and neglect at NW SOIL's Tumwater  
5 campus. In response, OSPI conducted an on-site investigation of the Tumwater campus in June  
6 2018. That investigation confirmed significant problems, leading OSPI to issue only a contingent  
7 approval for NW SOIL — meaning NW SOIL remained on the approved school list but was  
8 barred from initiating new student contracts without OSPI's prior approval. Despite this, the very  
9 next month (July 2018) OSPI approved NW SOIL's renewal for the upcoming school year, and  
10 in June 2019 OSPI granted NW SOIL a full three-year recertification, allowing NW SOIL's  
11 Tacoma and other campuses to continue operating.

12 4.117 OSPI's oversight records show that it continued to receive complaints about NW  
13 SOIL's other campuses in the ensuing years. In late 2020, a parent informed OSPI that students  
14 at NW SOIL's Tacoma campus (the same campus attended by D.L. and B.W.) were receiving  
15 virtually no instruction, were being left alone with high-school-aged students or in "solitary"  
16 isolation rooms and were not provided in-person services despite their needs. OSPI's response  
17 was to guide the parent on working with the school district to find a new placement and to advise  
18 on next steps, but OSPI did not itself take any direct corrective action or file a formal complaint.

19 4.118 Similarly, in April 2021, a special education director from Everett Public Schools  
20 emailed OSPI regarding a report from a parent that NW SOIL's Redmond campus staff were  
21 emotionally and physically abusing students. OSPI's response was merely to provide guidance  
22 on reviewing the report with NW SOIL, enforcing the district's contract for services, and  
23 notifying OSPI of any ongoing concerns. OSPI did not suspend or revoke NW SOIL's

1 certification at that time. NW SOIL continued to operate all three of its campuses until mid-2023,  
2 when further investigations by the *Seattle Times* and *ProPublica* prompted by additional  
3 complaints ultimately led to the closure of NW SOIL.

4 4.119 Over the many years of NW SOIL’s operations, OSPI was well aware that the  
5 teaching staff at NW SOIL did not have the necessary training or qualifications to teach. OSPI  
6 approved dozens of emergency certifications for staff that had no teacher training or experience.  
7 These staff became permanent teachers at NW SOIL although they only held an emergency  
8 certification.

9 4.120 In short, OSPI had ample notice — long before and during the period when  
10 Plaintiffs were enrolled at NW SOIL — that NW SOIL presented a dangerous and inappropriate  
11 environment for children with disabilities. Yet OSPI failed to act decisively or promptly on this  
12 knowledge. By repeatedly renewing NW SOIL’s authorization and deferring to school districts  
13 to handle complaints, OSPI allowed NW SOIL’s abusive environment to persist. This systemic  
14 failure in oversight directly contributed to the harm suffered by Plaintiffs, who would not have  
15 been placed in or remained at NW SOIL had OSPI exercised its duty to ensure that all students  
16 in Washington receive an education in a safe and appropriate setting.

17 4.121 The Defendant OSPI discriminated against the Plaintiffs based on their disabilities  
18 by knowingly licensing NW SOIL and allowing the placement of them in a program that was far  
19 worse than any mainstream student would receive in terms of physical safety and educational  
20 programming. But for their disability, the defendant OSPI would never have permitted the  
21 placement of the Plaintiffs at NW SOIL or allowed them to be treated as they were.

22 **vi. U.S. Department of Justice Discrimination Allegations against NW SOIL**



1           5.1     Plaintiffs re-allege each and every allegation contained in the paragraphs above.

2           5.2     The Washington Law Against Discrimination prohibits discrimination against  
3 individuals with “any sensory, mental, or physical disability,” and preserves “[t]he right to be  
4 free from discrimination.” RCW 49.60.030(1). “The right to be free from discrimination ...  
5 [includes] ... [t]he right to the full enjoyment of any of the accommodations, advantages,  
6 facilities, or privileges of any place of public resort, accommodation, assemblage, or  
7 amusement.” *Id.*; accord RCW 49.60.215.

8           5.3     D.L. is disabled. He is an individual with Autism Spectrum Disorder, Attention  
9 Deficit Hyperactivity Disorder, Post Traumatic Stress Disorder, Disruptive Mood Dysregulation  
10 Disorder, Anxiety, and Unspecified Sleep-Wake Disorder.

11           5.4     B.W. is disabled. He is an individual diagnosed with Autism Spectrum Disorder,  
12 Attention Deficit Hyperactivity Disorder, Obsessive Compulsive Disorder, Oppositional  
13 Defiance Disorder, Sensory Processing Disorder, Tourette's Syndrome, and Post Traumatic  
14 Stress Disorder.

15           5.5     C.W. is disabled. He is an individual diagnosed with Autism Spectrum Disorder,  
16 Attention Deficit Hyperactivity Disorder, and Post Traumatic Stress Disorder.

17           5.6     TPS and NW SOIL knew of D.L.’s disability.

18           5.7     FWPS and NW SOIL knew of B.W.’s disability.

19           5.8     BSD and NW SOIL knew of C.W.’s disability.

20           5.9     TPS discriminated against D.L. participated in the discriminatory treatment by  
21 acting in concert with NW SOIL.

22           5.10    FWPS discriminated against B.W. by acting in concert with NW SOIL.

23           5.11    BSD discriminated against C.W. by acting in concert with NW SOIL.

1           5.12   None of these students would have been placed at NW SOIL but for their  
2 disabilities, which played a substantial factor in their placement at this abusive and traumatizing  
3 school year-over-year. As a direct result of their disabilities, and under cover of their special  
4 education programming, all three students were subjected to excessive and illegal isolations and  
5 restraints and other abuse and neglect at NW SOIL. As a result of this abusive, disability-related  
6 treatment, these students were denied equal educational benefit and denied access to their  
7 necessary disability accommodation and behavioral supports.

8           5.13   NW SOIL, TPS, FWPS, BSD, and OSPI are places of public accommodation.

9           5.14   TPS, FWPS, BSD, NW SOIL, and OSPI deprived D.L., B.W., and C.W. of the  
10 accommodations, advantages, facilities, or privileges of [a] place of public resort,  
11 accommodation, assemblage, or amusement.

12           5.15   The placement at a known abusive facility and prolonged pattern of excessive  
13 restraint and isolation of D.L., B.W., and C.W. —with OSPI’s approval, certification, and  
14 continued authorization of NW SOIL despite notice of such conditions— constitutes unlawful  
15 discrimination against these students based on their disabilities that occurred in a place of public  
16 accommodation. Their disabilities were a substantial factor that caused the discriminatory  
17 treatment.

18           5.16   Students without disabilities were not subjected to the same abuse and neglect as  
19 D.L., B.W., and C.W. were subjected to, as NW SOIL only accepted special education students  
20 placed through school districts as part of their individual education plans.

21           5.17   TPS, FWPS, BSD, NW SOIL, and OSPI are strictly liable for the discriminatory  
22 acts engaged in by their employees at a place of public accommodation.

23           5.18   As a result of Defendants’ acts and omissions Plaintiffs D.L., B.W., and C.W.

1 have been damaged in an amount to be proven at trial, plus attorney fees and costs as allowed  
2 under RCW 49.60.030 and common law.

3  
4 **Second Cause of Action:**  
5 **Equal Education Opportunity Law (CH 28A.642 (RCW)**  
6 **for Plaintiffs D.L., B.W., and C.W.**

7 5.19 Plaintiffs re-allege each and every allegation contained in the paragraphs above.

8 5.20 Washington’s Equal Education Opportunity Law (EEOL) RCW 28A.642, *et seq.*  
9 forbids discrimination in Washington public schools on the “basis of ... the presence of any  
10 sensory, mental, or physical disability ....”

11 5.21 Under the EEOL, the District is responsible for addressing discriminatory  
12 harassment about which it knew or reasonably should have known.

13 5.22 NW SOIL became the “functional equivalent” of a public agency when it stepped  
14 into the shoes of its contracted school districts and performed a government function by  
15 providing public education to students with disabilities using nearly 100% public funds with the  
16 active involvement of public school districts.

17 5.23 The actions and inactions of Defendants NW SOIL, TPS, FWPS, BSD, and OSPI  
18 described above created a severe, pervasive, and hostile educational environment for D.L., B.W.,  
19 and C.W., such that these Plaintiffs were limited in or unable to benefit from the services or  
20 opportunities offered by their school districts. Each Plaintiff was effectively denied equal access  
21 to education by being placed in, and not removed from, an abusive school environment because  
22 of his disabilities.

23 5.1 Plaintiffs are expressly authorized to bring a civil action to enjoin further  
violations and to seek damages and other relief for violations of RCW 28A.642.

5.2 As a direct and proximate result of NW SOIL’s, TPS’s, FWPS’s, BSD’s, and

1 OSPI's conduct, Plaintiffs have suffered damages in an amount to be determined at trial.

2  
3 **Third Cause of Action:**  
4 **Intentional Infliction of Emotional Distress**  
5 **for Plaintiffs D.L., B.W., and C.W.**

6 5.3 Plaintiffs re-allege each and every allegation contained in paragraphs above.  
7 Defendant's conduct toward Plaintiffs was extreme and outrageous.

8 5.4 By virtue of the facts herein, Defendants TPS, FWPS, BSD, NW SOIL, and OSPI  
9 are liable to Plaintiffs D.L., B.W., and C.W. for the Tort of Outrage, causing the reckless and  
10 intentional infliction of physical and emotional distress.

11 5.5 Defendants TPS and NW SOIL intentionally or recklessly caused Plaintiff D.L.  
12 emotional distress by subjecting him to years of unnecessary restraint and isolation and not  
13 taking any appropriate actions when D.L.'s mistreatment was brought to light. The actions taken  
14 by Defendants show a reckless disregard for Plaintiff's emotional well-being.

15 5.6 Defendants FWPS and NW SOIL intentionally or recklessly caused Plaintiff  
16 B.W. emotional distress by subjecting him to unnecessary restraint and isolation and not taking  
17 any appropriate actions when B.W.'s mistreatment was brought to light. The actions taken by  
18 Defendants show a reckless disregard for Plaintiff's emotional well-being.

19 5.7 Defendants BSD and NW SOIL intentionally or recklessly caused Plaintiff C.W.  
20 emotional distress by subjecting him to unnecessary restraint and isolation and not taking any  
21 appropriate actions when C.W.'s mistreatment was brought to light. The actions taken by  
22 Defendants show a reckless disregard for Plaintiff's emotional well-being.

23 5.8 Defendant OSPI, despite having statutory and regulatory duties to oversee,  
monitor, and reauthorize nonpublic agencies (NPAs) under RCW 28A.155.090 and WAC 392-  
172A-04090, engaged in extreme and outrageous conduct by approving and maintaining NW

1 SOIL’s certification as an authorized NPA despite repeated reports and complaints indicating  
2 patterns of abuse, restraint, and neglect of students with disabilities. OSPI’s knowing failure to  
3 intervene, train, or take corrective action demonstrated reckless disregard for Plaintiffs’ safety  
4 and emotional well-being.

5 5.9 Defendants TPS, FWPS, BSD, and NW SOIL engaged in extreme and  
6 outrageous conduct by placing and keeping Plaintiffs—students with significant disabilities—in  
7 a facility known or that should have been known to be abusive, unsafe, and discriminatory; by  
8 allowing Plaintiffs to be subjected to repeated restraint, isolation, humiliation, neglect, and denial  
9 of access to education and services; and by failing to protect them from foreseeable harm.

10 5.10 Defendants’ collective actions and inactions were undertaken intentionally and/or  
11 in reckless disregard of the likelihood that Plaintiffs would suffer severe emotional distress.

12 5.11 As a direct and proximate result of Defendants’ conduct, Plaintiffs D.L., B.W.,  
13 and C.W. experienced and continue to experience severe emotional distress, trauma, anxiety,  
14 fear, humiliation, and psychological injury.

15 5.12 Defendants’ conduct was so extreme and outrageous as to go beyond all bounds  
16 of decency and is utterly intolerable in a civilized community.

17 5.13 TPS, FWPS, BSD, NW SOIL, and OSPI are vicariously liable for the intentional  
18 acts engaged in by their employees.

19 5.14 As a result of Defendants’ acts and omissions Plaintiffs D.L., B.W., and C.W.  
20 have been damaged in an amount to be proven at trial, plus attorney fees and costs as allowed  
21 under common law and statute.

22 5.15 As a result, Plaintiffs are entitled to damages for emotional distress, pain and  
23 suffering, and all other relief as allowed under Washington common law, in amounts to be proven

1 at trial.

2  
3 **Fourth Cause of Action:**  
4 **Negligent Infliction of Emotional Distress**  
5 **for Plaintiffs D.L., B.W., and C.W.**

6 5.16 Plaintiffs re-allege each and every allegation contained in paragraphs above.

7 5.17 Defendants owed a duty to the Plaintiffs due to the special relationship with D.L.,  
8 B.W., and C.W. as students in their custody.

9 5.18 The conduct of TPS, FWPS, BSD, NW SOIL, and OSPI staff members fell well  
10 below the standard of care required for the reasonable person and resulted in negligent breach of  
11 duties to D.L., B.W., and C.W respectively.

12 5.19 As a result of Defendants' actions, D.L., B.W., and C.W. have foreseeably and  
13 proximately suffered emotional distress as diagnosed and treated by their treating providers.

14 5.20 TPS, FWPS, BSD, and NW SOIL are vicariously liable for the negligent acts  
15 engaged in by their employees.

16 5.21 As a result of Defendants' acts and omissions Plaintiffs have been damaged in an  
17 amount to be proven at trial, plus attorney fees and costs as allowed under common law and  
18 statute.

19 **Fifth Cause of Action:**  
20 **False Imprisonment**  
21 **for Plaintiffs D.L., B.W., and C.W.**

22 5.22 Plaintiffs re-allege each and every allegation contained in paragraphs above.

23 5.23 D.L. was deprived of liberty of movement when they were intentionally  
restrained or isolated by NW SOIL staff.

5.24 B.W. was deprived of liberty of movement when they were intentionally  
restrained or isolated by NW SOIL staff.

1 5.25 C.W. was deprived of liberty of movement when they were intentionally  
2 restrained or isolated by NW SOIL staff.

3 5.26 D.L., B.W., and C.W. were aware that they were confined and suffered harm  
4 because of their confinement.

5 5.27 D.L., B.W., and C.W. did not consent to the confinement which was affected by  
6 threat of force or actual force

7 5.28 The confinement of D.L., B.W., and C.W. was unlawful pursuant to RCW  
8 28A.600.485.

9 5.29 TPS, FWPS, BSD, and NW SOIL are vicariously liable for the acts engaged in  
10 by their employees.

11 5.30 As a result of Defendants' acts and omissions Plaintiffs have been damaged in an  
12 amount to be proven at trial, plus attorney fees and costs as allowed under common law and  
13 statute.

14 **Sixth Cause of Action:**  
15 **Assault and Battery**  
16 **for Plaintiffs D.L., B.W., and C.W.**

17 5.31 Plaintiffs re-allege each and every allegation contained in paragraphs above.

18 5.32 Through their conduct during a restraint, NW SOIL staff intentionally and  
19 impermissibly touched D.L. without his consent.

20 5.33 Through their conduct during a restraint, NW SOIL staff intentionally and  
21 impermissibly touched B.W. without his consent.

22 5.34 Through their conduct during a restraint, NW SOIL staff intentionally and  
23 impermissibly touched C.W. without his consent.

5.35 The unwanted and offensive physical contact has caused D.L., B.W., and C.W.

1 profound emotional suffering and injury.

2 5.36 The Defendants knew that their conduct was unwelcome and offensive to D.L.,  
3 B.W., and C.W. Defendants also knew to a substantial certainty that their actions of physical  
4 restraints would result in harmful or offensive touching.

5 5.37 TPS, FWPS, BSD, and NW SOIL took no appropriate action to address the  
6 physical harm to D.L., B.W., and C.W.

7 5.38 Because of TPS, FWPS, BSD, and NW SOIL's failure to address the physical  
8 harm and excessive restraint of D.L., B.W., and C.W., Plaintiffs suffered harm including pain  
9 and suffering, loss of enjoyment of life, mental anguish, injury, and humiliation, emotional  
10 distress damages, and costs of medical treatment necessary to address the psychological  
11 damages.

12 5.39 TPS, FWPS, BSD, and NW SOIL are vicariously liable for the acts engaged in  
13 by their employees.

14 5.40 As a result of Defendants' acts and omissions Plaintiffs have been damaged in an  
15 amount to be proven at trial, plus attorney fees and costs as allowed under common law and  
16 statute.

17 **Seventh Cause of Action:**  
18 **Negligence in Care**  
19 **for Plaintiffs D.L., B.W., and C.W.**

20 5.41 Plaintiffs re-allege each and every allegation contained in paragraphs above.

21 5.42 Defendants had an enhanced and solemn duty of reasonable care toward the  
22 students in their care to protect them from foreseeable dangers.

23 5.43 TPS was put on notice of the existence of the dangers posed by NW SOIL staff  
prior to placing D.L. at NW SOIL.

5.44 FWPS was put on notice of the existence of the dangers posed by NW SOIL staff

1 prior to placing B.W. at NW SOIL.

2 5.45 BSD was put on notice of the existence of the dangers posed by NW SOIL staff  
3 prior to placing C.W.

4 5.46 OSPI was put on notice of the existence of the dangers posed by NW SOIL to the  
5 students under their care, including, but not limited to, D.L., B.W., and C.W.

6 5.47 Defendants TPS, FWPS, BSD, and OSPI breached their duty of exercising  
7 reasonable care by failing to investigate and failing to remedy the unsafe conditions.

8 5.48 Plaintiffs D.L., B.W., and C.W. were injured while under the custody of TPS,  
9 FWPS, BSD, and OSPI.

10 5.49 Plaintiffs D.L., B.W., and C.W. were injured while at NW SOIL.

11 As a result of Defendants' acts and omissions Plaintiffs suffered foreseeable and proximate  
12 damage in an amount to be proven at trial, plus attorney fees and costs as allowed under common  
13 law and statute.

14 **Eighth Cause of Action:**  
15 **Negligent Supervision and Training**  
**for Plaintiffs D.L., B.W., and C.W.**

16 5.50 Plaintiffs re-allege each and every allegation contained in paragraphs above.

17 5.51 Defendants TPS, FWPS, BSD, NW SOIL, and OSPI had a duty to protect  
18 students from being endangered by tasks, premises or instrumentalities entrusted to an employee.

19 5.52 Defendants TPS, FWPS, BSD, NW SOIL, and OSPI knew or should have known  
20 of their employees' unfitness to supervise and educate D.L., B.W., and C.W. respectively.

21 5.53 Defendants TPS, FWPS, BSD, NW SOIL, and OSPI failed to take reasonable  
22 steps to supervise their employees or to properly limit provision of emergency teaching  
23 credentials to non-teachers.





1 RESPECTFULLY SUBMITTED this 25th day of February 2026.

2  
3 **CEDAR LAW, PLLC**

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury of the laws of the State of Washington that on the date stated below, I caused the foregoing *THIRD AMENDED COMPLAINT* to be served on the following parties:

<p>Scott I. Jamieson, WSBA No. 40553                  Zana T. Molina, WSBA No. 61319  <b>PATTERSON BUCHANAN FOBES &amp; LEITCH, INC, P.S.</b>                  1000 Second Ave., 30th Floor                  Seattle, WA 98104                  Ph: (206) 462-6700                  Email: <a href="mailto:sij@pattersonbuchanan.com">sij@pattersonbuchanan.com</a>  <a href="mailto:ZTM@pattersonbuchanan.com">ZTM@pattersonbuchanan.com</a>  <a href="mailto:twp@pattersonbuchanan.com">twp@pattersonbuchanan.com</a>  <a href="mailto:bac@pattersonbuchanan.com">bac@pattersonbuchanan.com</a></p> <p><i>Attorney for Defendant Tacoma Public School District</i></p>	<p><input type="checkbox"/> Via Legal Messenger  <input type="checkbox"/> Via Facsimile  <input checked="" type="checkbox"/> Via Electronic Mail  <input type="checkbox"/> Via U.S. Mail/Commercial Post  <input checked="" type="checkbox"/> Via Electronic Filing/Eservice  <input type="checkbox"/> Via Hand-Delivery</p>
<p>Francis S. Floyd, WSBA No. 10642  <b>FLOYD   PFLUEGER KEARNS, NEDDERMAN &amp; GRESS, P.S.</b>                  3101 Western Ave., Suite 400                  Seattle, WA 98121                  Ph: (206) 441-4455                  Email: <a href="mailto:ffloyd@NWTrialAttorneys.com">ffloyd@NWTrialAttorneys.com</a></p> <p><i>Attorney for Defendant Bethel School District</i></p>	<p><input type="checkbox"/> Via Legal Messenger  <input type="checkbox"/> Via Facsimile  <input checked="" type="checkbox"/> Via Electronic Mail  <input type="checkbox"/> Via U.S. Mail/Commercial Post  <input checked="" type="checkbox"/> Via Electronic Filing/Eservice  <input type="checkbox"/> Via Hand-Delivery</p>
<p>Bret S. Simmons, WSBA No. 25558                  Melissa L. Nelson, WSBA No. 17439  <b>SIMMONS SWEENEY FREIMUND SMITH TARDIF PLLC</b>                  1223 Commercial Street                  Bellingham, WA 98225                  Ph: 360-752-2000                  Fax: 360-656-5013                  Email: <a href="mailto:bret@ssslawgroup.com">bret@ssslawgroup.com</a>  <a href="mailto:melissa@ssslawgroup.com">melissa@ssslawgroup.com</a>  <a href="mailto:holly@ssslawgroup.com">holly@ssslawgroup.com</a></p> <p><i>Attorney for Federal Way School District</i></p>	<p><input type="checkbox"/> Via Legal Messenger  <input type="checkbox"/> Via Facsimile  <input checked="" type="checkbox"/> Via Electronic Mail  <input type="checkbox"/> Via U.S. Mail/Commercial Post  <input checked="" type="checkbox"/> Via Electronic Filing/Eservice  <input type="checkbox"/> Via Hand-Delivery</p>

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- Via Legal Messenger
- Via Facsimile
- Via Electronic Mail
- Via U.S. Mail/Commercial Post
- Via Electronic Filing/Eservice
- Via Hand-Delivery

11 DATED this 25<sup>th</sup> day of February 2026.

12 **SEATTLE LITIGATION GROUP, PLLC**

13 /s/ Lorena Alaniz  
14 Lorena Alaniz  
15 Paralegal