ORIGINAL

No. _____

In The

Supreme Court of the United States

ANNE PRAFADA AND D.M.,
BY HER NEXT FRIEND,

Petitioners,

v.

MESA PUBLIC SCHOOL, AND
MATTHEW GREVE, Prosecutor,
in his Official Capacity,

Respondents.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

QUESTION PRESENTED NUMBER 1

Congress enacted The Individuals with Disabilities Education Act (IDEA) "(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education . . . " "(B) to ensure that the rights of children with disabilities and parents of such children are protected". 20 U.S.C. §1400(d)(1). Congress went further to require the Education Department to develop and publish model IEP, IFSP, Procedural Safeguard Notice, and Prior Written Notice forms. 20 U.S.C. §1417(e). These model forms are required to be used by school districts to meet the requirements of IDEA in order to assess children in all areas of suspected disabilities and further provide an individualized education program (IEP).

QUESTION PRESENTED:

Whether fraudulent misrepresentation and conspiracy to defraud are preempted, when the Educational federal statutes touch a field in which the federal interest is so dominant, that the federal system must be assumed to preclude enforcement of state laws and the District Court should have granted the petition and pleading pursuant to 28 U.S. Code §1367 Supplemental jurisdiction under Article III of the United States Constitution for claims and evidences that are inextricably intertwined/intricately related.

QUESTIONS PRESENTED—Continued

QUESTION PRESENTED NUMBER 2

In light of this Court's recognition in Ex Parte Young, 209 U.S. 123 (1908) that "While this court will not take jurisdiction if it should not, it must take jurisdiction if it should. It cannot, as the legislature may, avoid meeting a measure because it desires so to do."

QUESTION PRESENTED:

Whether the District Court was biased to dismiss the case pertinent to claim on prior ruling that the court remanded the case because the court had not ruled on State Criminal removal in 15 years, and violated the Equal Protection Clause, by failure to grant Equitable relief and restore substantial loss and impairment of freedoms of expression and speech, rights under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments and due process clause to the Constitution of the United States of America.

PARTIES TO THE PROCEEDINGS BELOW

Anne Prafada & D.M.

Mesa Public School

Prosecutor Matthew Greve

(Copy sent to State of Arizona c/o Maricopa County Attorney's Generals' Office)

RELATED CASES

Anne Prafada v. State of Arizona., No.18-15579 U.S. Court of Appeals for the Ninth Circuit. Judgment entered 05/21/2018 (Removal after judgment)

Anne Prafada v. State of Arizona., No.CR-18-00357-PHX-DGC U.S. District Court for the District of Arizona. Order entered 03/23/2018 (Removal after judgment)

Anne Prafada v. State of Arizona., No.16-10527 U.S. Court of Appeals for the Ninth Circuit. Order entered 05/03/2017 (Removal before trial)

Anne Prafada v. State of Arizona., No. CR-16-1420-PHX-JJT, U.S. District Court for the District of Arizona. Remand Order entered 12/12/2016 (Removal before trial)

Anne Prafada, v. Mesa Unified School District And State Of Arizona., No. 18-17139 U.S. Court of Appeals for the Ninth Circuit. Order entered 05/11/2020

Anne Prafada, v. Mesa Unified School District No. 2:18-cv-00718-DGC U.S. District Court for the District of Arizona. Order entered 10/23/2018

Anne Prafada v. State of Arizona., JC2016-111542 Order entered on 07/20/2017

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PETITION FOR A WRIT OF CERTIORARI

Anne Prafada and D.M. petitions for a writ of certiorari to review both the Ninth Circuit and District Court denial of Equal Protection of law by failure to grant complaint and pleading pursuant to Supplemental Jurisdiction 28 U.S.C. §1367(a) as Provided For By Article III Of The United States Constitution and Federal Rule of Civil Procedure 60(b) and the entering of judgment on a wrong petition.

PROCEEDINGS BELOW

The District Court failed to review Prafada's complaint and supplemental pleading pursuant to Supplemental Jurisdiction 28 U.S.C. §1367(a) as Provided For By Article III Of The United States Constitution and Federal Rule of Civil Procedure 60(b). See at App.8 last paragraph. Doc.57 at 5 refers to 28 U.S.C. §1367(a) supplemental pleading. The entire District Court order on App.4-19 is entered on a wrong petition and therefore does not apply to her case apart from App.8 last paragraph. Prafada appealed for a De Novo review on the Ninth Circuit. The Ninth Circuit erroneously failed to review her appeal and entered orders on the wrong petition and complaint that the District Court relied upon and dismissed without review. Prafada filed for a petition for panel rehearing and rehearing en banc but it was denied.

BASIS FOR JURISDICTION

The Ninth Circuit erroneously failed to review her appeal and dismissed without review of actual appeal. Petition for panel rehearing and rehearing en banc filed on May 11, 2020. The instant petition for Writ of Certiorari is filed within 90 days of that date. This Court has Jurisdiction under 28 U.S.C. §1254(1).

CONSTITUTIONAL AND/OR STATUTORY PROVISIONS INVOLVED

1. The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2), establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the "supreme Law of the Land", and thus take priority over any conflicting state laws.

2. Section 3 of the Civil Rights Act of 1866 provided for removal in three types of civil and criminal cases: (I) when a defendant "is denied or cannot enforce" in the state courts certain "equal civil rights" (now 28 U.S.C. §1443(1) (1964)) when any officer "or other person" is prosecuted for acts performed under color of authority of the 1866 Act and the Freedmen's Bureau legislation (now U.S.C. §1443(2) (1964)) when any officer "or other person" is prosecuted for his refusal to perform certain acts upon the ground that they would be inconsistent with the 1866 Act (now 28 U.S.C. §1443(2) (1964)). The rights to be protected by the removal remedy were contained in the Act of April 9, 1866, ch. 31, §1, 14 Stat. 27 (now REV. STAT.

§§1977-78 (1875), 42 U.S.C. §§1981-82 (1964)). The Civil Rights Act of 1866 provided for removal both before trial and after judgment. Act of April 9, 1866, ch. 31, §3, 14 Stat. 27 (now 28 U.S.C. §1443 (1964))

3. The Court has held that practically all the criminal procedural guarantees of the Bill of Rights—the Fourth, Fifth, Sixth, and Eighth Amendments—are fundamental to state criminal justice systems and that the absence of one or the other particular guarantees denies a suspect or a defendant due process of law under the Fourteenth Amendment.

4. The First Amendment to the U.S. Constitution guarantees freedoms concerning religion, expression, assembly, and the right to petition . . . It guarantees freedom of expression by prohibiting Congress from restricting the press or the rights of individuals to speak freely.

5. 28 U.S.C. §1367 provides, in relevant part, as follows: (a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. . . .

6. A violation of §1985 requires the following: (1) a conspiracy; (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal

privileges and immunities of the laws; (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured in her person or property or deprived of any right or privilege of a citizen of the United States.

7. The No Child Left Behind Act of 2001 begins at 20 U.S.C. §6301, et seq.

8. Section 504 of the Rehabilitation Act of 1973, begins at 29 U.S.C. §794, et seq.

9. The Family Educational and Rights and Privacy Act, begins at 20 U.S.C. §1232, et seq.

10. Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1400 et seq.

11. 20 U.S.C. §1412 et seq., State Responsibility

12. 20 U.S.C. §1414 et seq., Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements.

13. 20 U.S.C. §1415 et seq., Procedural Safeguards.

14. 20 U.S.C. §1417 et seq., Congress requirement for Education Department to develop and publish model IEP, IFSP, Procedural Safeguard Notice, and Prior Written Notice forms.

15. Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq.

STATEMENT OF THE CASE

The Federal governmental interest underlying The Individuals with Disabilities Education Act (IDEA) constitutes a sufficiently important interest and lays out the basic entitlements, procedures, and standards that IDEA creates. IDEA provides federal special education funding to states and school districts that agree to obey its requirements. The states and school districts must provide free, appropriate public education to all children with disabilities, a duty that includes furnishing related services. The statute further requires that children with disabilities be educated, to the maximum extent appropriate, with children who are not disabled, and that removal from general education occurs only when the child's education cannot be achieved satisfactorily in general education classes with the use of supplementary aids and services. When the States and School Districts meet these requirements it gives them more excess to funding. IDEA crafted safeguards that are already in place but Prafada's son was frequently removed from the classroom and was removed for more than two hundred and twenty four (224) class lessons and classroom removals in 2014/2015-2015/2016 school year equivalent to a whole year of school class lessons and learning. In advocating for her son, she was discriminated and retaliated against and denied Rights protected by the First Amendment that include advocacy and petition for redress of grievances. The District court has separated claims and evidences that are inextricably intertwined/intricately related a universal recognition

in the law of claims and evidences. The District Court should have allowed Prafada to present a cohesive, complete and comprehensible story of the events including wrongs and acts closely linked in point of time and space of the classroom removals. The purpose of inextricably intertwined/intricately claims and evidences is to complete the story, fill a chronological gap and conceptual void of the blended and connected malicious, fraudulent, prosecution and conviction and deprivation of privileges of the law by constitutional interference of The First Amendment, Fourth, Fifth, Sixth, Eighth And Fourteenth Amendments To The Constitution Of The United States Of America and Federal Equity Powers, surrounding the conspiracy between Mesa Public Schools and prosecutor Matthew Greve in subverting and circumventing The Individuals with Disabilities Education Act (IDEA) protection safeguards in place to protect both student and parent.

FACTUAL BACKGROUND PART 1:

"Once You Go Black You Never Go Back" More Than Two Hundred And Twenty Four (224) Class Lessons And Classroom Removal Equivalent To Almost Worth Of a Whole Year Of School Class Lessons And Learning Within 2 Years And The School-To-Prison Pipeline, Deliberately And Dis-Appropriately Predetermined IEP, Deliberate Willful Indifference By Spoliation Of Records, Racial Discrimination And Retaliation.

Individuals with Disabilities Education Act (IDEA), (20.U.S.C. §1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29.U.S.C. §794 et seq.), Americans with Disabilities Act (ADA), (42.U.S.C. §12101 et seq.) all define disabilities as (A) Physical/ mental impairment that substantially limits one or more of the major life activities of such individuals; (B) Record of such an impairment; (C) Being regarded as having such an impairment. Prafada's son has sufficient documentation to support clinical diagnosis. He has Attention Deficit/Hyperactivity Disorder (ADHD) as a physical or mental impairment in 28.C.F.R. §35.108(b)(2) and 28.C.F.R. §36.105(b)(2). He receives medical treatment including prescriptions to help diminish and relieve him of his symptoms. 34.C.F.R. §104.3(j)(1)(ii)(iii). Mesa Public School acting under the color of law acted maliciously and in reckless disregard of the student and parent's federally protected rights by intentionally discriminating against them. Her son was excluded and denied FAPE through frequent classroom removal because of manifestation of

his disabilities. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42.U.S.C. §12132. See generally 28.C.F.R. §35.130(b)(1). It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Brown v. Bd. of Educ., 347 U.S. 483, 493, 74 S.Ct. 686, 98 L.Ed. 873 (1954). The Supreme Court made clear that Title IX of the Education Amendments of 1972 requires schools to take action to prevent and stop the harassment of students by teachers or other students. Prafada's son was racially discriminated against by being removed from the classroom.

On 02/02/2016 the school documented that Prafada's son complained of racial discrimination due to frequent classroom removals. There were more than two hundred and twenty four (224) class lessons and classroom removals between 2014/2015-2015/2016 school year equivalent to almost worth of a whole year of school class lessons and learning. The statement "once you go black, you never go back" were also recorded in his educational records. Three days after the statements "once you go black, you never go back" were recorded, on 02/05/2016, Prafada's son was retaliated and discriminated against by being issued with a fraudulent truancy citation for the classroom removals. Prafada's son had never been truant before. Prafada's son was required to appear at the Juvenile

Court. Prafada was required to be present during the hearing. In advocating for her son, she was threatened with criminal prosecution if she was not going to let her son be incriminated against. She was even informed not to worry because she could have her son's criminal records expunged once he turns 18 years. The racial disparities are starker for atypical students of color. According to an analysis of the government report by Daniel J. Losen, director of the Center for Civil Rights Remedies of the Civil Rights Project at UCLA about 1 in 4 atypical Black children were suspended at least once versus 1 in 11 atypical. (http://www.ncte.org/positions/statements/school-to-prison). The involvement of the criminal justice system in schools recently gained a name: the school-to-prison pipeline. The phrase "refers to the practice of funneling students currently enrolled in school to the juvenile justice system". Hawker v. Sandy City Corp., 774 F.3d 1243 (10th Cir. 2014). Prafada informed the administrators that her son was not truant and has never been truant but the school was constantly and frequently removing her son from the classroom. He informed them that her son was denied accommodation and evaluation and the citation was a mistake and informed the same court that her son was denied accommodation pursuant to an IDEA-Compliant obligation and denied FAPE. In advocating for her son, Prafada was discriminated and retaliated against and issued a citation with threats of criminal prosecution. Prafada informed the said juvenile court presided by Mesa Public School administrators that her son has been denied evaluation and was frequently being removed from the classroom and

what her son needed was not to be incriminated in court but to be provided for with evaluation and provided an IEP. Prafada's son was identified as a child with disabilities that needed accommodation, evaluation, IEP, functional behavioral assessments (FBA) and behavior intervention plans (BIP) an IDEA-compliant and procedural safeguards requirement as provided to all disabled students to a free appropriate public education (20.U.S.C. §1414, 42.U.S.C. §12101, 20.U.S.C. §1415).

Congress enacted The Individuals with Disabilities Education Act (IDEA) on finding that the educational need of millions of children with disabilities were not being fully met because: (A) the children did not receive appropriate educational services; (B) the children were excluded entirely from the public school system and from being educated with their peers; (C) undiagnosed disabilities prevented the children from having a successful educational experience; or (D) a lack of adequate resources within the public school system forced families to find services outside the public school system. 20.U.S.C. §1400(c)(2). Congress went further to require the Education Department to develop and publish model IEP, IFSP, Procedural Safeguard Notice, and Prior Written Notice forms. 20.U.S.C. §1417(e). Prafada's son was removed from his classroom for over two hundred and twenty four (224) times equivalent to almost worth of a whole year of school class lessons and learning. Congress enacted IDEA "(1)(A) to ensure that all children with disabilities have available to them a free appropriate public

education that emphasizes special education . . . " "(B) to ensure that the rights of children with disabilities and parents of such children are protected". 20.U.S.C. §1400(d)(1). Prafada's son was not fully integrated in a regular classroom with a reasonably calculated IEP. An IEP was necessary, "in the case of a child whose behavior impedes his or her learning or that of others," and shall "consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior." 34.C.F.R. §300.324(a)(2)(i). Stanley C. v. M.S.D. of S.W Allen County Schools, 628 F. Supp. 2d 902 (N.D. Ind. 2008). IDEA guarantees a substantively adequate program of education to all eligible children, and this requirement is satisfied if the child's IEP sets out an educational program that is "reasonably calculated to enable the child to receive educational benefits." Id., at 207, 102 S.Ct. 3034. Endrew F. V. Douglas Co. School Dist. Re-1, 137 S.Ct. 988 (2017).

Prafada's son needed intervention in the provision of an IEP. Mesa Public School District also claimed to put Prafada's son in Special Education Class without evaluation and IEP for a whole year without due process and proper procedural safeguards. The School disappropriately and by deliberate indifference provided 1:1 and small group yet 99% of the time he was removed for more than two hundred and twenty four (224) class lessons and classroom removals. The School District was aware that her son needed evaluation but failed to intervene and denied him FAPE and his rights pursuant to IDEA-20.U.S.C. §1414, Section

504-42.U.S.C. §794, ADA-42.U.S.C. §12101. Prafada's son required an effective positive behavior support developed within a comprehensive, professionally-developed plan of behavioral accommodations, supports, and interventions. The IDEA's Child Find requirement obligates public school districts to identify, locate, and evaluate students with suspected disabilities "within a reasonable time after the school district is on notice of facts or behavior likely to indicate a disability." Dallas Indep. Sch. Dist. v. Woody, 865 F.3d 303, 320 (5th Cir. 2017). An unreasonable delay in complying with this duty "may constitute a procedural violation of the IDEA." D.K. v. Abington Sch. Dist., 696 F.3d 233, 249-50 (3d Cir. 2012). Prafada's son was denied an IEP and the procedural safeguards. The duty to refer a student for an evaluation under IDEA and Section 504 is triggered when there is "reason to suspect" or "reason to believe" that the student may be a child with a disability and in need of special education services but the school kept denying him evaluation. Her son was not provided with reasonably calculated meaningful educational benefits and he was partially proficient in his assessments but his grades were also inflated and was given an A in all classes while failing in all subjects. Prafada's son was not demonstrating the State Academic Standards aligned for mathematics, reading or language arts, and science. 20 U.S.C. §6311(b)(1)(c), 34.C.F.R. §300.10, §9101(11) of ESEA 20.U.S.C. §1401(4) of IDEA and 20 U.S.C. §6311. He failed in all the subjects because of being denied meaningful benefit to a full educational opportunity in all related services. Prafada's son was racially segregated and

treated with deliberate indifference and denied equal educational opportunities.

The regulations promulgated to enforce section 504 require children with disabilities as defined by section 504 and ADA, be provided with free, appropriate public education. 34.C.F.R. §104.33(a). Section 504 and ADA define disability as a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment and regarded as having such an impairment. 29.U.S.C. §705(9)(B), 34.C.F.R. §104.3(j), (section 504); 42.U.S.C. §12102(2) (ADA) Prafada's son qualified for these Federal rights under Attention-Deficit/Hyperactivity Disorder (ADHD) as a physical or mental impairment in 28.C.F.R. §35.108(b)(2) and 28.C.F.R. §36.105(b)(2). The School District deliberately and dis-appropriately predetermined Prafada's son by assigning him one on one (1:1) and small group placement in a school setting and shoved him in a special education classroom and still he was frequently removed from the classroom for more than two hundred and twenty four (224) days without proper procedural safeguards. There were enough "triggers" to cause reason to evaluate Prafada's son and provide accommodations but the school district failed to intervene. Prafada was also denied with "prior written notice" whenever it proposes or refuses "to initiate or change, the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education." §300.503(a)(1); 20.U.S.C. §1415(b)(3). School obligation to evaluate should have been triggered when a school district had

reason to suspect both that (1) the student has a disability, and (2) a resulting need for special education services. Once that "trigger" is pulled, schools must evaluate the child within a reasonable time to meet requirements and avoid exposure to child find legal challenges and compensatory services claims. El Paso Ind. Sch. Dist. v. R.R., 567 F. Supp. 2d 918 (W.D.Tex. 2008).

A district must provide parents with "prior written notice" whenever it proposes or refuses "to initiate or change, the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education." §300.503(a)(1); 20.U.S.C. §1415(b)(3). It is found in §1415, which is entitled "Procedural safeguards," is not without significance. When the elaborate and highly specific procedural safeguards embodied in §1415 are contrasted with the general and somewhat imprecise substantive admonitions contained in the Act, the importance Congress attached to these procedural safeguards cannot be gainsaid. Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process. §§1415(a)-(d). "It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." Brown v. Bd. of Educ., 347 U.S. 483, 493, 74 S.Ct. 686, 98 L.Ed. 873 (1954). In advocating for her son, all meetings were predetermined a procedural violation of the IDEA that deprives parents of the opportunity to meaningfully participate in their child's

educational decision. (20.U.S.C. §1415(F)(3)(E)(ii)). Prafada was denied parental protections. 20.U.S.C. §1400(d)(1)(B), 34.C.F.R. §300.1(b): According to House Report 114-354—Every Student Succeeds Act Sec.1010 of parent and family engagement; parent is allowed to have strategies that are feasible and appropriate to help her child to improve in his academic performance, pay attention to the child's disability and assist in the learning of the child by engaging with school personnel and teachers. Parental participation in the educational placement process is central to the IDEA's goal of protecting disabled students' rights and providing each disabled student with a FAPE. 20.U.S.C. §1400(d); Bd. of Educ. v. Rowley, 458 U.S. 176, 205-06 (1982).

It took the intervention of Raising Special Kids, a nonprofit organization that serves children with disabilities and their families to participate in the evaluation process before Prafada's son was provided with an IEP. Without Raising Special Kids participation, Prafada's son would never have gotten evaluated. Prafada was treated with deliberate indifference and denied her First Amendment right to advocacy. The School District had knowledge Prafada's son was being removed from the classroom but acquiesced in that violation. They acted with deliberate indifference to the consequences established and maintained a policy, practice and custom which continued to cause classroom removal. The School District was reliable for the conduct based on failure to intervene and adopted the practice and follow a policy and custom that amounted

to deliberate indifference towards both student and parents' constitutional Rights. In Monell doctrine's theory of liability, the superintendent failed to provide adequate supervision as he failed to adequately superintend the conduct to its school. Negligent supervision and failure to exercise reasonable care and diligence in superintending its school while carrying on the business of his office. The School District custom and policy in failure to superintend created the deprivation under IDEA-20.U.S.C. §1414, Section 504-42.U.S.C. §794, ADA-42.U.S.C. §12101. Section 504 requires provision of FAPE and implementation of Section 1414(d) (IEP) in accordance with the IDEA as one way of satisfying Section 504's requirements. See 34.C.F.R. §104.33. Given their similar requirements, Section 504 and the ADA are regularly considered in tandem. Rodriguez v. City of N.Y., 197 F.3d 611, 618 (2d Cir. 1999) ("Because Section 504 of the Rehabilitation Act and the ADA impose identical requirements, we consider these claims in tandem."). J.Z. v. N.Y.C. Dep't of Educ., 17 Civ. 7612 (S.D.N.Y. Dec. 5, 2017).

After Raising Special Kids, a nonprofit organization that serves children with disabilities and their families, had completed their intervention to help Prafada's son to be provided with IEP, their work was complete. Soon after, the School District acted with deliberate indifference yet again by spoliation of the Multidisciplinary Evaluation Team (MET) report by deleting information in order not to provide accommodations. The information deleted was substantial and an abuse of special education provisions. In November

2016, the School District deleted Assessments from The Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V) results from (MET) Report. According to Wechsler Intelligence Scale results, The WISC-V is an individually administered, comprehensive clinical instrument for assessing the intelligence. The primary and secondary subtests are on a scaled score metric with a mean of 10 and a standard deviation (SD) of 3. These subtest scores range from 1 to 19, with scores between 8 and 12 typically considered average. The primary subtest scores contribute to the primary indexes, which represent intellectual functioning in five congnitive areas: Verbal Comprehension Index (VCI), Visual Spatial Index (VSI), Fluid Reasoning Index (FRI), Working Memory Index (WMI), and the Processing Speed Index (PSI). This assessment also produces a Full Scale IQ (FSIQ) composite score that represents general intellectual ability. (Wechsler Intelligence Scale for Children, Fifth Edition Interpretive Report) The results were deleted so there was no showing or explanation of the variation in achievement measures results. This information was critical in determining Section 1414(d)(IEP) accommodation reasonably calculated to enable Prafada's son to make progress appropriate in light of his circumstances. The Visual Spatial Composite (VSI) from the (MET) Report were also deleted. The School acted with deliberate willful indifference by spoliation of records. Prafada's son's Visual Spatial Composite Score (SS=78) was in the Borderline range. A student in this borderline significantly struggles. After deletion and spoliation of records, Prafada's son's math accommodations were ripped off

him. Test score in 7th grade showed that he was minimally proficient. In 8th grade he was partially proficient. In 9th grade he was given 30 minutes of daily math assistance and his performance improved and he became proficient showing strong understanding of the expectations of the course. These results help see his borderline struggles and deleting the results was spoliation of records in order to deny him a meaningful Section 1414(d)(IEP). The school district showed a clear showing of deliberate indifference and failed to provide an adequate IEP to confer educational benefit. The Working Memory Composite (WMC) from the (MET) Report were also deleted. The results were important to show Prafada's son's working memory and how it's associated with a wide range of academic skills including written expression, reading and language comprehension and mathematical problem-solving. Not only is it associated with academic skills, but it has been linked to self regulation skills such as inhibition, shifting, planning and organizing information and academic tasks such as following directions. Colliflower, Talya J. "Interpretation of the WISC-IV Working Memory Index as a Measure of Attention" (2013). Theses, Dissertations and Capstones, Paper 699. These results were deleted in order to deny Prafada's son an adequate IEP. The results also explained why Prafada's son was behind with college core credits. The results of the Language Evaluation Results were also deleted. The deletion restricted the development of an adequate IEP, denial of parent participation and predetermined IEP meeting. Deletion of this section restricted the development of a Behavior Intervention

Plan (BIP). The results showed how he becomes overwhelmed when directions become complex and the need for repeated directions and directions to be broken down apart to check and increase his understanding. The need for frequent breaks to help him focus and without these accommodations, they would impact his performance in classroom settings and many more items from the report were deleted. IEP meetings were always predetermined. Predetermination occurs when an educational agency has made its determination prior to the IEP meeting, including when it presents one placement option at the meeting and is unwilling to consider other alternatives. (H.B. v. Las Virgenes USD, 239 Fed. Appx. 342 (9th Cir. 2007)).

FACTUAL BACKGROUND PART 2:

Conspiracy, Discrimination, Retaliation, Deprivation Of Privileges Of The Law By Constitutional Interference Of The First Amendment, Fourth, Fifth, Sixth, Eighth And Fourteenth Amendments To The Constitution Of The United States Of America and Federal Equity Powers. Granting 28 U.S. Code §1367 Supplemental Jurisdiction Under Article III Of The United States Constitution And Rule 60 For Claims And Evidences That Are Inextricably Intertwined/Intricately Related.

A.R.S. §15-802E, which may be constitutional on its face, operates unconstitutionally as to Prafada. On Thursday 07/20/2017, Prafada was discriminated and

retaliated against, maliciously and fraudulently by conspiracy and was prosecuted and convicted for advocating for her son. The claims brought by the prosecutor Matthew Greve were the same claims for the citation ticket that had been issued in the Juvenile Court held at the main Mesa Public School District offices and conducted by juvenile court officers and preceded by the administrators of Mesa Public School. This was the same court where there was a lack of separation of powers, where the legislative, executive and judicial functions of the government are divided and separate. The citation ticket was issued on 02/29/2016. The judgement was entered after 508 days against the Criminal procedure. No pre-trial hearing was granted and No Discovery and Inspection of Evidence in all things prior to trial on the merits had been conducted, a right under the Constitution and the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America and Criminal Procedure. Prafada was denied the right to present her version of facts, right to include evidence which is a Fourteenth Amendment and due process right of law. The citation on her ticket were for the same classroom removals that counted towards the over two hundred and twenty four (224) class lessons and classroom removals that are equivalent to almost worth of a whole year of school class lessons and learning and for Prafada's continued advocacy for her son to be provided with an appropriate IEP accommodation after spoliation of her son's Multidisciplinary Evaluation Team (MET) report.

In the interest of justice and in the necessity for specific, and more effectual, remedies for wrongs and injuries where the law gave no substantial redress and by reason of the special circumstances of the case, fraud presented to this court is of equitable jurisdiction. Prafada was prosecuted and convicted for a classroom removal for 01.21.2016. On that day, her son was in school. He was removed from the classroom and then marked absent. The teacher documented it in an email to her stating, "I'm not exactly sure why D.M. wasn't happy yesterday. He wasn't a behavior problem, but he kept asking to be sent out. He was respectful and obedient, but refused to work nor participate in our class discussion . . . maybe you could ask him about it. And also maybe you could let him know that I was happy with how he treated me, I just wasn't happy that he didn't work. Thank you! Have a great weekend!" Her son was removed from the classroom for this reason and Prafada fraudulently prosecuted and convicted for the removal and now A.R.S. §15-802E, which may be constitutional on its face, operates unconstitutionally as to her.

On 01/04/2016, the teacher again documented in an email to her and stated that, "I wanted to let you know that I sent D.M. out of class today . . . He and I talked back and forth after class today about how he has different rules and consequences than other students. He was really frustrated about that and I thought maybe you could just talk about the idea that life isn't fair and it's okay. Last quarter he wasn't able to get out of his seat without permission. He had lost

the privilege because he had wandered too many times and distracted others. So it wasn't fair that he couldn't get out of his seat, but it was okay. It made sense. Maybe listen to him and guide him that things aren't fair." The teacher's own statement states that Prafada's son was having difficulties with the manifestation of his disabilities by "wandering too many times" and "could not sit on his seat". Her son was removed from the classroom. Her son needed an IEP, functional behavioral assessments (FBA) and behavior intervention plans (BIP) and the assistance of a qualified paraprofessional was also needed to help out the teacher because of "wandering too many times" and "could not sit on his seat". Prafada was fraudulently convicted for this classroom removal against 34.C.F.R. §300.519 that protects for change of placement for disciplinary removals. A.R.S. §15-802E, which may be constitutional on its face, operates unconstitutionally as to Prafada for this classroom removal. On 02.24.2016 his teacher stated, "I wanted to talk to you about some good and bad things about D.M. today. First off, he currently is close to an A. He always seems to care enough to complete his assignments. It's a wonderful trait! He is struggling with being on-task in class. He will probably have that as a challenge for a while. Today, however, after repeated directions and redirections, he still wasn't being on task. We were halfway through the worksheet before he even sat down to get it out. What made this difficult was that he kept claiming that he didn't understand what to do. Directions were written, procedures are in places, and there were cues all around for him to follow, but instead he

raised his voice in frustration to me." It is also obvious that a qualified paraprofessional was needed to help out the teacher because of the need to repeat directions and redirection. Her son was racially shoved into a special education class that was also inadequately staffed without evaluation or an IEP, treated with deliberate indifference to a child who needed an IEP in order to function in a mainstream classroom. Her son was punished with classroom removal and as if that was not enough, Prafada was prosecuted and convicted for this classroom removal and now A.R.S. §15-802E, which may be constitutional on its face, operates unconstitutionally as to her. The prosecution and conviction is not for violation of a statute regulating conduct under A.R.S. §15-802E, but for Prafada's complaints and advocacy for her son on alleged violations of IDEA (20.U.S.C. §1414 et seq.), Section 504 of the Rehabilitation Act of 1973 (29.U.S.C. §794 et seq.) and the Americans with Disabilities Act (ADA) (42.U.S.C. §12101 et seq.).

By fraudulently and maliciously prosecuting and convicting Prafada, the prosecutor enjoined the School District in the act of harassing, discriminating and retaliating against Prafada. The prosecutor had no probable cause to convict. Racial discrimination in public education is unconstitutional and all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle. Brown v. Board of Education of Topeka, 349 U.S. 294 (1955). The Superintendent, Executive Director of Special Education and the School Principal representing Mesa Public School and the Prosecutor representing the State of

Arizona as the governmental actor concerning the conviction; all acted with deliberate indifference and represented their entity as policy decision makers. They deprived Prafada of her Federal and constitutional rights when they allowed the fraudulent conviction and judgment to occur. A deliberate choice by an individual government official constitutes government policy if the official has been granted final decision-making authority concerning the relevant area or issue. See Beck v. City of Pittsburgh, 89 F.3d 966, 971 (3d Cir. 1996). The School Representatives as educators and the Prosecutor that upholds the law all exceeded and abused their power by denying Prafada equal Protection Clause of the Fourteenth Amendment by unconstitutionally using a statute to prosecute and Convict. The statute as applied is unconstitutional in that it provides for classroom removal without affording a student and parent the Equal Protection Clause of the Fourteenth Amendment. A statute should be read as a harmonious whole with its separate parts being interpreted within their broader statutory context. A.R.S. §15-802E includes A.R.S. §15-803 exemption. And there is no classroom removal provision in it in order to convict parents. A statute interpretation should apply the congressional intent of canons of statutory construction to give substantive interpretation. Use of a statute retroactively is unconstitutional. A.R.S. §15-803(B) states absences are excessive when they exceed 10%. A.R.S. §15-802(B)(1) gives attendance required as 180 or 200 full days for calculation purposes. The standard for attendance and chronic absenteeism, defining attendance as a calculation of

standard clock hours in a day that equal(s) a full day based on instructional minutes for both a half day and a full day per learning environment. (https://www.isbe.net/Documents/2016-Attendance-Commission-Annual-Report.pdf) Prafada's son never met the 10% threshold and the statute as applied is unconstitutional. Even so, IDEA mandates that educational agencies establish procedures "to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a FAPE." §1415(a). It presumes parents have rights of their own when it defines how States might provide for the transfer of the "rights accorded to parents" by IDEA, §1415(m)(1)(B), and it prohibits the raising of certain challenges notwithstanding any other individual right of action that a parent or student may maintain under the relevant provisions of IDEA. Winkelman v. Parma City School Dist., 550 U.S. 516 (2007). "A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant. . . ." Hibbs v. Winn, 542 U.S. 88 (2004). The unconstitutional statute as applied is invidiously discriminatory. Using State Statutes and law to impinge upon a substantive right or liberty created or conferred by the Constitution is presumptively invalid, whether or not the law's purpose or effect is to create any classifications. San Antonio Independent School Dist. v. Rodriguez, 411 U.S. 1 (1973).

Mesa Public School, The Superintendent, Executive Director of Special Education and the School

Principle and the prosecutor Matthew Greve in their supervisory roles had knowledge of the retaliation, discrimination and were aware of more than 224 class lessons and classroom removals in 2014/2015-2015/2016 equivalent to a whole year of school class lessons and learning but failed to intervene. They were also aware of the spoliation of her son's Multidisciplinary Evaluation Team (MET) report but chose to discriminate, retaliate and treat Prafada with deliberate indifference to conspire, to prosecute and convict her for advocating for her son. The School District and the prosecutor acted with deliberate indifference towards Prafada to the obvious consequence of the policymakers' choice. Parent was retaliated against on 02/29/2016 and the date when prosecution began and for continuing to advocate for her son after spoliation of his records in order for the school to avoid providing him with an adequate IEP. That is 508 days before fraudulent criminal prosecution, conviction and judgment was entered. They all had reasonable opportunities to intervene but denied Prafada equal protection of the law by letting the fraudulent criminal conviction and judgment to be entered a violation of the Eighth Amendment of the United States Constitution that prohibits cruel and unusual punishments. According to a ruling in the 3rd Circuit, a defendant can in appropriate circumstances be held liable for failing to intervene to stop a beating. See, e.g., Smith v. Mensinger, 293 F.3d 641, 650 (3d Cir. 2002). In this case they had 508 days to stop the fraudulent criminal conviction and judgment. The Prosecutor Matthew Greve should have dismissed the case after one year according to rules of criminal procedure.

But because of conspiracy, the fraudulent criminal conviction and judgment was entered past the expiry of the criminal procedural rules. He failed to intervene and adopted the practice and followed a policy and custom that amounted to deliberate indifference. The Monell doctrine's theory of liability, the prosecutor was negligent and failed to exercise reasonable care and diligence while carrying on the business of his office. The school officials and the prosecutor were aware and acted with reckless indifference through its authority. The School District's custom and policy in failing to superintend, together with the prosecutor, created the deprivation of civil rights.

On 03/12/2018 Prafada requested records from the court. On examining the records, a fraudulent motion was filed by the prosecutor and a copy denied to her. The motion was signed on 07/20/2017 by the judge after the hearing on trial and after Prafada's complaint of denial of pretrial hearing and discovery and inspection of evidence in all things prior to trial on the merits. The motion was fraudulently backdated to 05/18/2017 and signed on 07/20/2017. Spoliation, falsification and fraudulently filing court documents is perjury. The prosecutor acted under the color of law. The fraudulent judgement was entered in excess of judicial authority that constitutes misconduct particularly where the prosecutor deliberately disregards the requirements of fairness and due process. Gonzalez v. Commission on Judicial Performance, 33 Cal. 3d 359, 371, 374 (1983). The prosecutor, in enjoining the School District to harass, retaliate and discriminate against Prafada, is

harassment under facially unconstitutional statutes should be sufficient for the exercise of federal equity powers. Younger v. Harris, 401 U.S. 37, 65 (1971). The charging sheet issued by Mesa Public School to the prosecutor was also fraudulent by spoliation of information. The charging sheet stated that "parent refused to let a student attend Juvenile court for a citation that the student was issued". Prafada took her son to the said "Juvenile court" held at School District offices and preceded by its administrators on 02.29.2016 and it was at this "court" she was retaliated and discriminated upon by threats of fraud-on-the-court prosecution if she would not allow her son to be incriminated in Juvenile court. These threats were not made with any expectation of securing valid convictions but rather were part of a plan to employ threats of prosecution, conviction and judgment under color of the statutes so as to discourage Prafada from asserting and attempting to vindicate the constitutional rights of parents and students for accommodation, evaluation, IEP, functional behavioral assessments (FBA) and behavior intervention plans (BIP) an IDEA-compliant and procedural safeguards requirement as provided to all disabled students to a free appropriate public education, Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act (ADA).

REASONS FOR GRANTING THE PETITION: PART 1.

Review Is Warranted Because Dismissal Of The Case Directly Conflicts With This Court's Opinions In Ex Parte Young, 209 U.S. 123 (1908) Holding That "While This Court Will Not Take Jurisdiction If It Should Not, It Must Take Jurisdiction If It Should. It Cannot, As The Legislature May, Avoid Meeting A Measure Because It Desires So To Do."

This court ruled in Ex Parte Young, 209 U.S. 123 (1908), that a suit by a stockholder against a corporation to enjoin the directors and officers from complying with the provision of a State Statute, alleged to be unconstitutional, was properly brought within Equity. Prior to filing the civil case Prafada had removed her criminal case to the District Court but it was remanded to the State Court. On 03/29/2018, Prafada filed a civil case against the School District to which on 05/03/2018 the District Court held a conference pursuant to Fed.R.Civ. P. Rule 26(f). During the conference, District Court Disclosed that the reason the criminal case (See App.24-26) was dismissed was because in 15 years the court had not ruled criminal removal. "In fact, in 15 years as a federal district judge, I have seen it happen one time". The District Court went ahead to add that, "Almost all state criminal cases cannot be removed to federal court under that statute" referring also to 28 U.S.C. §1443 of Civil rights cases. See App.23. This was the first time the court disclosed that in 15 years they have not ruled criminal removals and the

reason Prafada's case was remanded to the State Court. Prafada has no adequate remedy at law in the State Court and it was impossible for her to protect her federal constitutional rights in the State Court. The State Court failed to secure and assure ample vindication of her constitutional rights. The newly discovered information that the Federal District Court remanded her case because it has not ruled on criminal removal in 15 years brought grounds for Prafada to enjoin the Prosecutor, Matthew Greve enjoining him with Mesa Public School to the case pursuant to 28 U.S.C. §1367 under Article III of the United States Constitution and Fed.R.Civ. P. Rule 60(b), in order to avoid piecemeal litigation, Claim preclusion, and Res judicata effect. Remand of the criminal case because the District Court had not ruled on criminal removal in 15 years or for lack of precedent denied Prafada an opportunity to properly appeal her case and denied her 28 U.S.C. §1447(d) (1964) (originally enacted as Civil Rights Act of 1964, §901, 78 Stat. 266) that provides in part: "an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise." There is substantial indication in the legislative history that Congress enacted §1447(d) to provide an opportunity for the appellate courts to reinterpret the Strauder-Powers cases. See, e.g., 110 CONG. Rac. 2770, 2773 (1964). The Supreme Court held that in light of the retroactive application of sections 201-03 of the Civil Rights Act of 1964, the removal petitions had alleged facts which, if proven to be true, would be sufficient for removal under subsection 1 of section 1443.

28 U.S.C. §1443(2) (1964). Section 3, which detailed the removal provisions of the Act of April 9, 1866, ch. 31, 14 Stat. 27 (now 28 U.S.C. §1443 (1964)), provided in part: "Sec. 3. And be it further enacted, That the district courts of the United States . . . shall have . . . cognizance . . . of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court, against any such person, for any cause whatsoever . . . such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the 'Act relating to habeas corpus and regulating judicial proceedings in certain cases,' approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. . . ."

The supplemental pleading was filed within 16 days of the new case development. The landmark case of Ex parte Young, 209 U.S. 123 (1908), created an exception to general principle by asserting that a suit challenging the constitutionality of a state official's action in enforcing state law is not one against the State. Ex parte Young, 209 U.S. 123, established the doctrine that when absolutely necessary for protection of constitutional rights, courts of the United States have power to enjoin state officers from instituting criminal actions. In Ex parte Young, the Supreme Court held that since a state cannot permit one of its officials to

violate the Constitution, if the officials were to "use . . . the name of the state to enforce an unconstitutional act," he would not be acting with the authority of the state. The state official . . . would be "subjected in his person to the consequences of his individual conduct" in federal court. Section 1985(3) of the Civil Rights Act granted a damages action against conspiracies to deprive "any person or class of persons of the equal protection of the laws, or of equal privileges and immunities of the laws." It allows for section 1985(3) liability against defendants, when the defendants violate a constitutional interference with Fourteenth Amendment and related rights. Malicious prosecution committed under color of law automatically violates the United States Constitution and constitutional provision of procedural due process. Ex parte Young, 209 U.S. 123 (1908).

The supplemental pleading pursuant to the Supplemental Jurisdiction 28 U.S.C. §1367(a) as provided for by article III of the United States constitution and Fed.R.Civ. P. Rule 60 was prompted by new evidence and discovery of new case development that the district court has not ruled on criminal removal in 15 years and the reason for remanding Prafada's case. This new case development gave Prafada a good cause showing that the district court never gave a substantive ruling as to the correctness of its remand for a case that was filed pursuant to 28 U.S.C. §1443 civil rights cases. Prafada relied on new case development. Fed.R.Civ. P. Rule 60(b)(2) and retroactive rule of constitutional law and facts showing her actual innocence.

Prafada's complaint asserted various claims under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments and due process clause to the Constitution, first Amendment, Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794 et seq.), Americans with Disabilities Act (ADA) (42 U.S.C. §12101 et seq.) and for recklessness and deliberate indifference to both her son and her rights, including claims of failure to implement appropriate procedures, failure to train and supervise and violation of substantive due process. On claims of First Amendment she brought claims on retaliatory, vindictiveness and selective prosecution and conviction and judgment in violation to her right to access to the courts. Since Prafada presented selective prosecution, malicious conviction and judgment claims that must be judged according to ordinary equal protection standards with the conspiracy to purposefully single her out as a result of her exercise of First Amendment rights, she presented sufficient evidence to each of the claims to show that the claims are not frivolous. Prafada pleaded with particularity to Fed.R.Civ. P. 9(b) and showed how the fraudulent conviction is preempted by federal law. "The Supplemental Jurisdiction Pleading was timely filed within 16 days of new case development. Prafada used particularity on her pleading specifying the who, what, when, where and how the misconduct was charged, what was false and misleading about the purportedly fraudulent prosecution and conviction. The State Statue A.R.S. §15-802E was fraudulently applied to deny Prafada her constitutional rights and the

application has been used in bad faith, not to secure valid convictions, but as a subversion and circumvention of civil jurisdictional process to compromise the claims to prescribe relating to behavior of the school district's practices and policies which she conceived to be racially discriminatory. This court held that, While this court will not take jurisdiction if it should not, it must take jurisdiction if it should. It cannot, as the legislature may, avoid meeting a measure because it desires so to do." Ex Parte Young, 209 U.S. 123 (1908). This court should grant review and determine if the District Court and Ninth Circuit should grant the complaint and pleading pursuant to the Supplemental Jurisdiction 28 U.S.C. §1367(a) as provided for by article III of the United States constitution and Fed.R.Civ.P. Rule 60 and also determine whether a case should be dismissed for lack of no precedent in the District court for the last 15 years and depart from the equal protection principle.

REASONS FOR GRANTING THE PETITION: PART 2

Field Preemption Occurred In All 50 States When Congress Enacted The Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §1400(c)(2) And Congress Requirement For Education Department To Develop And Publish Model IEP, IFSP, Procedural Safeguard Notice, And Prior Written Notice Forms And Use Of These Forms By School Districts To Meet The Requirements Of IDEA. 20 U.S.C. §1417(e) And Section 504 Of The Rehabilitation Act Of 1973, 29 U.S.C. §794, Et Seq.

The Individuals With Disabilities Education Act (IDEA) occupies the field of Public Education in all 50 States. The federal statutory directives on IDEA provide a full set of standards governing the requirement for Education Departments, States and School Districts. Congress occupies an entire educational field, even complementary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is parallel to federal standards. See Silkwood v. Kerr-McGee Corp., 464 U.S. 238, 249 (1984). In exchange to occupy the field, IDEA provides federal special education funding to states and school districts in all 50 States that agree to obey its requirements. The states and school districts must provide free, appropriate public education to all children with disabilities, a duty that includes furnishing related services and other activities that may assist the child to benefit from special

education. The statute further requires that children with disabilities be educated, to the maximum extent appropriate, with children who are not disabled, and that removal from general education occurs only when the child's education cannot be achieved satisfactorily in general education classes with the use of supplementary aids and services. Maliciously using fraud-on-the-court process to coerce a subversion and circumvention of Federal Regulation is fraud deterring a parent from asserting her and her son's legal rights, abuse of process, improper use of judicial process diminishing public confidence in the legal system. Prafada was denied rights protected by the First Amendment that include advocacy and petition for redress of grievances after her son was frequently removed from the classroom and was removed for more than two hundred and twenty four (224) class lessons and classroom removals equivalent to a whole year of school class lessons and learning and spoliation of her son's Multidisciplinary Evaluation Team (MET) report. In Goss v. Lopez, 419 U.S. 565 (1975), the Supreme Court ruled that public school students possess liberty and property interests in their education, and therefore that constitutional principles of due process apply to school officials in dealing with regulations governing student conduct and other school-related activities. Congress passed the IDEA secure by legislation the right to a publicly-supported equal educational opportunity which it perceived to be mandated by Brown v. Board of Education and in recent stunning decisions of Endrew F. V. Douglas Co. School Dist. Re-1, 137 S.Ct. 988 (2017). A.R.S. §15-802E, which may be constitutional

on its face, operates unconstitutionally as to Prafada, brought in conspiracy with the Prosecutor Matthew Greve, representing the State of Arizona, and Mesa Public School is a local educational agency (LEA) within the meaning of 20 U.S.C. §1401(15), 34 C.F.R. §300.28. A Federal funds recipient within the meaning of IDEA, 20 U.S.C. §1401 and Section 504, 29 U.S.C. §794(b)(2)(B), and a public entity as defined in the ADA, 42 U.S.C. §12131(1), 28 C.F.R. §35.104. Section 601 of the Civil Rights Act of 1964, 42 U.S.C. §2000d, provides: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Review is warranted because the District Court and the Ninth Circuit decision conflicts with this court's decision that the federal statutes touch a field in which the federal interest is so dominant that the federal system must be assumed to preclude enforcement of state laws on the same subject. 350 U.S. 504-505. Pennsylvania v. Nelson, 350 U.S. 497 (1956). Field preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is parallel to federal standards. See Silkwood v. Kerr-McGee Corp., 464 U.S. 238, 249 (1984), Arizona v. United States, 567 U.S. 387 (2012).

REASONS FOR GRANTING THE PETITION: PART 3

State Laws Are Preempted When They Conflict With Federal Law And Enforcement Of State Law As Applied Violates The Equal Protection Component Of The First Amendment, The Fourth, Fifth, Sixth, Eighth And Fourteenth Amendments And Due Process Clause To The Constitution Of The United States Of America. Review Is Warranted Because It Conflicts With This Courts' Decision That State Laws Are Preempted When They Stand As An Obstacle To Accomplishment And Execution Of The Full Purposes And Objectives Of Congress.

Civil Rights Act of 1871, . . . 42 U.S.C. §1983 provides access to a federal forum for claims of unconstitutional treatment at the hands of state officials, while "differing in their scope and operation." Ante, at 480. under the Civil Rights Act of 1871, "the Federal Government has a right to set aside . . . action of the State authorities" that deprives a person of her constitutional rights. The Civil Rights Act of 1871 was "intended to provide a remedy, to be broadly construed, against all forms of official violation of federally protected rights." Monell v. Department of Soc. Svcs., 436 U.S. 658 (1978), A.R.S. §15-802E as applied to Prafada deprives her of her constitutional right, and a plan to circumvent Federal Jurisdiction through conspiracy actions between Mesa Public School and the Prosecutor, Matthew Greve. The prosecution was not to secure valid convictions, but as a subversion and

circumvention of civil jurisdictional process to compromise the claims to prescribe relating to behavior of the School District's practices and policies. In Monroe v. Pape, 365 U.S. 167 (1961), a landmark decision, the court held that a cause of action is stated under section 1983 whenever the plaintiff alleges a denial of due process at the hands of state officials. The School District violated her son's rights on the basis of racial equality, disability, retaliation and discrimination by denying him rights to Federal Regulation of Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and Americans with Disabilities Act. IDEA provides federal special education funding to states and school districts that agree to obey its requirements. The threat of loss of federal funding from failure to achieve adequate yearly progress under The No Child Left Behind Act of 2001, 20 U.S.C. §6301, et seq., initiative has them incriminating student and parent. Prafada's son was frequently removed from the classroom and was removed for more than 224 class lessons and classroom removals equivalent to a whole year of school class lessons and learning and spoliation of her son's Multidisciplinary Evaluation Team (MET) report. Then Mesa Public School conspired with the Prosecutor Matthew Greve to incriminate her and violated the free-speech retaliation protections of the equal protection guarantees of the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments and due process clause to the Constitution, and treated with deliberate indifference.

In Martin, the court observed that, "a government official's motive or purpose is often an essential element of a plaintiff's prima facie constitutional claim," and specifically listed the deliberate indifference standard under the Eighth Amendment as an example of such an element. Martin v. D.C. Metropolitan Police Dept., 812 F.2d 1425 (D.C. Cir. 1987). In §1367 the stature confers supplemental jurisdiction over all claims that bear an appropriate relationship to the claims in a civil action over which the District Court has original Jurisdiction. The statute went on to declare that such a supplemental Jurisdiction applied to claims that involved the joinder or intervention of additional parties. If the district court was not going to exercise jurisdiction for enjoining the Prosecutor, then the court should not have ruled and entered any orders when the allegations and claims are inextricably intertwined. Separating inextricably intertwined claims and allegations creates piecemeal litigation, Claim preclusion, and Res judicata effect. Racial discrimination in public education is unconstitutional and all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle. Brown v. Board of Education of Topeka, 349 U.S. 294 (1955). Review is warranted because the decisions of the District Court and the Ninth Circuit separated inextricably intertwined/intricately related claims and evidences and failed to grant complaint and pleading on supplemental jurisdiction conflicting with this courts' decision that state laws are preempted when they stand as an obstacle to accomplishment and

execution of the full purposes and objectives of Congress.

CONCLUSION

For the foregoing reasons, the petition for Writ of Certiorari should be granted.

Respectfully submitted this 11th day of August, 2020.

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