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**PARENTS AND ADVOCATES SUE STATE OF GEORGIA  
OVER SEPARATE AND UNEQUAL EDUCATION FOR  
THOUSANDS OF STUDENTS WITH DISABILITIES**

*Parents of Children with Disabilities, The Georgia Advocacy Office, The Center for Public Representation, The Bazelon Center for Mental Health Law, The Arc, DLA Piper LLP, and The Goodmark Firm File Class Action Lawsuit Against State of Georgia*

ATLANTA, GA (Oct. 11, 2017) – Today, parents of children with disabilities, the Georgia Advocacy Office, the Center for Public Representation, the Bazelon Center for Mental Health Law, The Arc, DLA Piper LLP, and the Goodmark Law Firm filed a class action lawsuit in federal court alleging that the State of Georgia has discriminated against thousands of public school students with disabilities by providing them with a separate and unequal education via the State’s Georgia Network for Educational and Therapeutic Supports Program (GNETS).

The complaint filed in United States District Court for the Northern District of Georgia, alleges that the State, in denying GNETS students the opportunity to be educated with their non-disabled peers in neighborhood schools violates the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and the Fourteenth Amendment to the United States Constitution. For more information about the litigation, please visit [www.centerforpublicrep.org/court\\_case/gao-v-georgia/](http://www.centerforpublicrep.org/court_case/gao-v-georgia/).

“The Georgia Advocacy Office (GAO), the independent Protection and Advocacy System for People with Disabilities in Georgia, is demanding the State abandon GNETS and stop segregating youth with disabilities,” said Ruby Moore, Executive Director of GAO. “GNETS programs are a relic of a time where people with disabilities were thought to be uneducable. GAO has and will continue to fight against GNETS and any program or service that unnecessarily segregates people with disabilities.”

GNETS are segregated programs that serve only students with disabilities, housed in entirely separate buildings or in separate wings of neighborhood schools, for students who need services for their disability-related behaviors. In 2016, over 5,000 students with disabilities were placed in GNETS. Most of these students are African-American and 100% of the students enrolled experience disabilities. “The State of Georgia’s segregated GNETS system flies in the face of long-standing Supreme Court precedent,” said Alison Barkoff, Director of Advocacy for the Center for Public Representation. “The Court recognized long ago that ‘separate educational facilities are inherently unequal.’ And the Supreme Court in *Olmstead v. L.C.* made clear that the ADA forbids the needless isolation or segregation of people with disabilities, because it deprives them of opportunities like getting an education and social contacts with peers.”

GNETS students are denied access to physical education, art, music, and extra-curricular activities, and many GNETS centers have no library, cafeteria, gym, science lab, music room, or playground. Some

GNETS centers are located in buildings that were used to teach African-American students during the Jim Crow era, much of the instruction is performed via online programs rather than with certified teachers, and educational curricula are not aligned with State standards. Accordingly, GNETS students rarely earn a diploma. The GNETS graduation rate is only 10% in contrast to a nearly 80% graduation rate in neighborhood schools. Students in GNETS are physically restrained on a routine basis, nearly 10,000 times in 2014-2016. "Although advertised as 'therapeutic,' GNETS are anything but – often student behavior worsens once placed in GNETS because of the harsh and punitive atmosphere in the schools," said attorney Craig Goodmark. "Decades of research and practice show that students with and without disabilities do best academically and socially when they learn alongside each other."

Instead of providing local school districts with the resources to offer the services these students need, the State is spending millions of dollars on segregated settings. "GNETS was intended to be a placement of the last resort. Instead, GNETS has become a dumping ground for students whom local school districts do not want to educate," said Ira Burnim, the Bazelon Center's Legal Director. "Georgia is the only state in the country to systematically segregate students with disabilities on a statewide basis. This is a plain violation of federal disability laws intended to ensure that students with disabilities are able to learn and receive services in integrated settings along with their peers without disabilities."

In response to the efforts of a broad coalition of stakeholders seeking to end the illegal segregation of students in GNETS, the Georgia Coalition for Equity in Education, and the U.S. Department of Justice (DOJ) [performed a multi-year investigation \(www.ada.gov/olmstead/documents/gnets\\_lof.pdf\)](http://www.ada.gov/olmstead/documents/gnets_lof.pdf) of GNETS. The investigation eventually culminated in a lawsuit against the State, alleging that the State's administration of the GNETS system violates the ADA by "unnecessarily segregating students with disabilities from their peers" and providing "unequal" education opportunities to GNETS students. That lawsuit has been put on hold pending a decision from the 11<sup>th</sup> Circuit Court of Appeals regarding DOJ's authority to bring suit.

"The Arc has long fought for students with intellectual and developmental disabilities to be educated in their neighborhood schools with appropriate services, supplementary aids, and supports," said Stacey Ramirez, Director of The Arc's Georgia state office. "Georgia's systemic segregation of students with disabilities is unacceptable to The Arc and its constituents in Georgia. With DOJ's lawsuit now on hold, the children of Georgia can wait no longer."

### **About The Arc**

The Arc is the largest national community-based organization advocating for and serving people with intellectual and developmental disabilities (I/DD) and their families. In partnership with its network of 650 chapters across the country, The Arc works to promote and protect the rights of people with I/DD to live, work, and learn in the community free from discrimination. Through its Georgia state office, The Arc seeks to ensure that students with I/DD throughout the state can meaningfully access the myriad benefits, programs, and services offered to students in neighborhood public schools. To learn more, visit [www.thearc.org](http://www.thearc.org).

### **About The Judge David L. Bazelon Center for Mental Health Law**

The Judge David L. Bazelon Center for Mental Health Law is a national legal advocacy organization protecting and advancing the rights of people with mental disabilities. The Center promotes laws and policies that enable people with mental disabilities to live independently in their own homes and communities, and to enjoy the same opportunities that everyone else does. For more information, visit [www.bazelon.org](http://www.bazelon.org).

### **About The Center for Public Representation**

The Center for Public Representation (CPR) is a national legal advocacy center for people with disabilities. For 40 years, CPR has been enforcing and expanding the rights of people with disabilities and others who are in segregated settings. CPR uses legal strategies, advocacy, and policy to design and

implement systemic reform initiatives to that promote integration and full community participation. To learn more about our work, visit [www.centerforpublicrep.org](http://www.centerforpublicrep.org).

#### **About DLA Piper LLP**

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help clients with their legal needs around the world. To learn more, visit [www.dlapiper.com/en/us](http://www.dlapiper.com/en/us).

#### **About The Georgia Advocacy Office**

The Georgia Advocacy Office is Georgia's designated Protection and Advocacy System. GAO envisions a Georgia where all people have value, visibility and voice; where even the most difficult and long-lasting challenges are addressed by ordinary citizens acting voluntarily on behalf of each other; and where the perception of disability is replaced by the recognition of ability. GAO's mission is to organize our resources and follow our values and legal mandates in ways which substantially increase the number of people who are voluntarily standing beside and for people in Georgia who have significant disabilities and mental illness. To learn more, visit [www.thegao.org](http://www.thegao.org).

#### **About The Goodmark Law Firm**

Since 1999, Mr. Goodmark has dedicated a majority of his practice to representing families, teachers and students in their pursuit of equality, fairness and justice in Georgia's schools. To learn more, visit [www.goodmarklaw.com](http://www.goodmarklaw.com).