

Children's Rights

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<https://www.childrensrights.org/press-release/federal-court-reaches-preliminary-approval-of-settlement-to-protect-the-rights-of-detained-youth-in-georgia-to-receive-special-education-services-in-t-h-et-al-v-dekalb-county-school-district-et-a/>

Public Facing Advocacy Writing

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(Atlanta, GA) On November 10th, a federal court in Atlanta preliminarily approved a class action settlement with the DeKalb County School District and its Superintendent which promises to establish the delivery of special education services to eligible students in the DeKalb County Jail. The settlement resolves all claims against these defendants in T.H., et al., v. DeKalb County School District, et al., Civil Action No. 1:19-cv-03268-TWT, a class action brought by Childrens Rights, Bondurant, Mixson & Elmore, LLP, and the Barton Juvenile Defender Clinic at Emory University School of Law in 2019 against the DeKalb County School District, DeKalb County School District Superintendent Cheryl Watson-Harris, the Georgia Department of Education, State School Superintendent Richard Woods, and the DeKalb County Sheriff to enforce the special education rights of students detained at the DeKalb County Jail.

The DeKalb County Jail is one of the largest detention facilities in the nation. The jail processes approximately 33,000 people annually, including youth as young as 17. The complaint alleges that hundreds of youth detained at the jail each year have special education needs and a federal right to related services. A Department of Justice report indicated that jail inmates were more than four times as likely to report having a disability as the non-incarcerated population. Further, detained youth are disproportionately Black and frequently victims of the school to prison pipeline. In Georgia, while 32% of the state residents are Black, Black people represent 51% of the jail population and 60% of the prison population.

A wide body of research shows that access to education is not only fundamental to a youths success, but also critical to the success of the community as a whole. For instance, research shows that when individualseven adults participate in any kind of educational program while incarcerated, their chances of future incarceration may drop by as much as 43 percent. As stated by one of the Named Plaintiffs mothers, being in jail should not hinder my son in getting an education.

As a result of this lawsuit, some services have been put in the place for the Named Plaintiffs and these classes are already having a dramatic impact on their lives and prospects. One **Named Plaintiffs mother, Ms. B., expressed**, I think it means a lot for T.H. to be back in school because it gives him hope and its a joy for me when I hear the excitement in his voice when hes speaking of being back in school.

And yet for all the other students like the Named Plaintiffs detained in the DeKalb County Jail, no system exists to identify, evaluate, and serve them. According to a report by Peter E. Leone, Ph.D., Plaintiffs expert in the case, essential infrastructure necessary for the provision of disability-related education does not exist at the DeKalb County Jail, indicating that there is no system in place at the DeKalb County Jail to screen, assess, identify, and provide special education services to eligible youth in spite of state and federal regulations that require education services to incarcerated youth. The lawsuit called on the court to affirm that defendants are violating federal statutes, and order them to develop a system, including policies, procedures, and adequate staffing, to ensure the delivery of special education services to eligible students.

Having observed the educational needs of incarcerated students in Georgia be unattended for the past decade, I am heartened to see this case move forward and the DeKalb County School System embrace a system for finding, evaluating, and serving these eager students, said **Randee Waldman, attorney, Clinical Professor of Law, and the Director of the Barton Juvenile Defender Clinic at Emory University School of Law.**

Receiving an education while in jail has been proven to reduce recidivism and poverty rates, said **David Brackett of Bondurant, Mixson & Elmore, LLP.** Yet, the biggest county jail in Georgia offers no system for delivering special education services. The goal of the settlement is to guarantee these youth get the education they deserve.

Providing education to incarcerated students with disabilities is not only legally required, it is the best thing for society. When we educate young people we tell them we are still invested in their future, that their best days are yet to come, said **Christina Wilson-Remlin, lead counsel at Childrens Rights.**

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Bondurant, Mixson & Elmore, LLP: Bondurant, Mixson & Elmore, LLP is a powerhouse litigation firm in Atlanta, GA, which routinely has been involved in cases of national significance for over 40 years. The firm can be found online at www.bmelaw.com.

Barton Juvenile Defender Clinic at Emory University School of Law: A clinical offering of the Barton Child Law & Policy Center that serves as an in-house legal clinic dedicated to providing holistic legal representation for children in the juvenile and criminal justice systems. For more information, please visit <http://law.emory.edu/academics/clinics/barton-juvenile-defender-clinic.html>.

Childrens Rights: Every day, children are harmed in Americas broken child welfare, juvenile justice, education, and healthcare systems. Through relentless strategic advocacy and legal action, we hold governments accountable for keeping kids safe and healthy. Childrens Rights, a national non-profit organization, has made a lasting impact for hundreds of thousands of vulnerable children. For more information, please visit www.childrensrights.org.

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