

Key points:

- **Class action lawsuit alleges ADA violations of unequal, segregated educational opportunities**
- **DOJ case against GNETS still pending, waiting on 11th Circuit decision**
- **GNETS program enrolls 5,000 students**

Lawsuit says Georgia's program for students with behavioral challenges is discriminatory

Georgia's state-run program for students with emotional and behavioral disabilities has discriminated against thousands of students by giving them a separate and unequal education, according to a class action [lawsuit](#) filed last week.

The [Georgia Network for Educational and Therapeutic Supports](#) program, known as GNETS and operated by the Georgia Department of Education, violates the ADA, Section 504, and the Fourteenth Amendment, the Georgia Advocacy Office, which filed the complaint, said in the lawsuit.

The GNETS' operation of placing students in separate school buildings or separate school areas is a "relic of a time where people with disabilities were thought to be uneducable," said Ruby Moore, executive director of the Georgia Advocacy Office, in a statement.

The advocacy office was joined by parents of children with disabilities, the Center for Public Representation, the Bazelon Center for Mental Health Law, The ARC, DLA Piper LLP, and the Goodmark Firm in the complaint.

The plaintiffs are suing the state, the state ED, and other state agencies to end GNETS and stop the segregation of the 5,000 students in the program, who are denied PE, music, art, and extracurricular activities, they said. The complainants also said GNETS students graduate at much lower rates and receive "harsh and ineffective" methods of discipline. A majority of the students are African American, according to the complaint.

The complaint also aims to eliminate the process that bypasses the local school system in financial decision-making for supporting students with intense behavioral needs, said Leslie Lipson, of counsel for the Georgia Advocacy Office.

"In Georgia, if school systems decide not to send kids to GNETS, they can't pull that money down" to pay for supports in less restrictive settings, she said.

The state ED said GNETS' 24 programs provide comprehensive services to students who would otherwise require residential or other more restrictive placements, according to a [strategic plan](#) developed last year.

Every placement made to the GNETS program is done through the IEP process with reviews of documentation that the student has received less restrictive supports and data to show that those services did not benefit the student, according to the GNETS webpage.

Meghan Frick, the Georgia ED interim director of communications, said the department is not commenting on the litigation.

GNETS faces another challenge

The GNETS system is facing another [lawsuit](#) from the U.S. Department of Justice, which also claims that GNETS students are unnecessarily segregated and receive unequal educational opportunities and that the program violates Title II protections of the ADA.

When the lawsuit was filed last year, the DOJ claimed it was the first challenge to a state-run school system for segregating students with disabilities, according to its [press release](#).

That lawsuit is currently on hold, however, as the 11th Circuit Court of Appeals reviews the DOJ's authority to file lawsuits under Title II of the ADA. A decision in that case could influence whether the DOJ's case against GNETS proceeds forward, said Alison Barkoff, director of advocacy for the [Center for Public Representation](#).

But the plaintiffs didn't want to wait for a resolution in that case before proceeding with their complaint, Barkoff said. Several of the plaintiff organizations have been involved in advocating to change the GNETS system for years.

"Every year for a student is like a lifetime," Barkoff said. "We need to be the ones who are captain of the ship."

The change in presidential administration may also have repercussions on the suit's outcome, including whether the DOJ would insist that any resolution be court enforceable and court monitored, which the plaintiffs say is critical, Barkoff said.

"Regardless of whether and how the DOJ moves forward, we have our own case. We cannot wait another year," she said.

See also:

- [Ruling in Florida case on children in nursing homes might prompt push to reopen ADA](#) (Sept. 28, 2016)
- [DOJ sues Georgia over facilities for children with emotional, behavioral disorders](#) (Aug. 29, 2016)
- [Disability groups hope for deal in Georgia LRE dispute](#) (April 8, 2016)

[Kara Arundel](#) covers special education for LRP Publications.

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