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***DOJ Findings Letter: Georgia's
Regional Special Education
Programs Violate ADA***



The Arc[®]

Virginia

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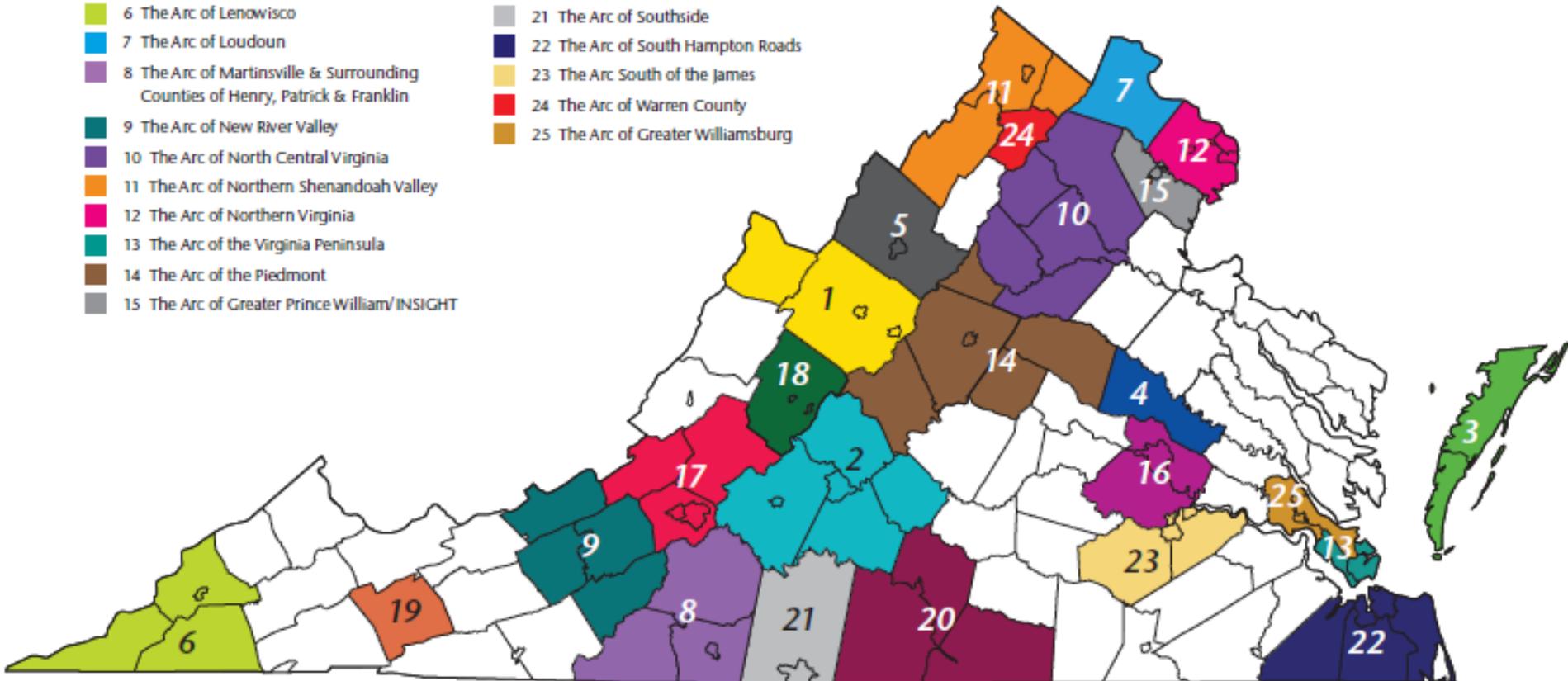
Chair, Education Committee

The Arc of Virginia Board of Directors

- Introduction to The Arc of Virginia
- Overview of Department of Justice, Civil Rights Division (DOJ)
- Key Policies
- DOJ Involvement in Virginia
- Review Findings Letter re: GNETS Program
- Compare to Virginia's School System
- Current Issues in Education

Local Chapters of The Arc of Virginia

- | | | | |
|---|---|---|--------------------------------------|
|  | 1 The Arc of Augusta |  | 16 Greater Richmond ARC |
|  | 2 The Arc of Central Virginia |  | 17 The Arc of Greater Roanoke Valley |
|  | 3 The Arc of Eastern Shore |  | 18 The Arc of Rockbridge |
|  | 4 Hanover Arc |  | 19 Arc Smyth County |
|  | 5 The Arc of Harrisonburg & Rockingham |  | 20 The Arc of Southern Virginia |
|  | 6 The Arc of Loudoun |  | 21 The Arc of Southside |
|  | 7 The Arc of Loudoun |  | 22 The Arc of South Hampton Roads |
|  | 8 The Arc of Martinsville & Surrounding Counties of Henry, Patrick & Franklin |  | 23 The Arc South of the James |
|  | 9 The Arc of New River Valley |  | 24 The Arc of Warren County |
|  | 10 The Arc of North Central Virginia |  | 25 The Arc of Greater Williamsburg |
|  | 11 The Arc of Northern Shenandoah Valley | | |
|  | 12 The Arc of Northern Virginia | | |
|  | 13 The Arc of the Virginia Peninsula | | |
|  | 14 The Arc of the Piedmont | | |
|  | 15 The Arc of Greater Prince William/INSIGHT | | |





What We Do

- Public Policy Advocacy
- Self-Advocacy
- Technical Assistance
- Family Support
- Grow the Movement

Department of Justice (DOJ), Civil Rights Division

- Created in 1957 as part of the Civil Rights Act.
- Work to uphold the civil and constitutional rights of all Americans.
- Responsible for enforcing federal statues prohibiting discrimination on the basis of race, sex, disability, religion, and national origin.



Key Policies in DOJ Enforcement

Americans with Disabilities Act

Title II of the ADA prohibits state and local government entities from discriminating on the basis of disability.

Olmstead Decision

Unjustified segregation of persons with disabilities “perpetuate[s] unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life” and segregation “severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.”



DOJ Involvement in Virginia

Examples of DOJ involvement in Virginia include:

- [ADA & CVTC Investigation Findings Letter](#) (2011)
- [U.S. v. Virginia Settlement Agreement](#) (2012)



DOJ Findings Letter, GNETS

The Department of Justice issued findings letter July 15, 2015: [U.S.'s Investigation of the Georgia Network for Educational and Therapeutic Support](#)

Investigation found:

- *Systemic unnecessary reliance on the segregated GNETS Program across the State of Georgia as a result of the State's administration, operation, and funding of the GNETS program, including the GNETS Program's admissions, services and facilities.*
- *Violates ADA by unnecessarily segregating students with disabilities from their peers.*
- *GNETS provides opportunities that are unequal to those provided to students who are not in the program.*



DOJ Findings Letter, GNETS

Investigation conducted by experts in:

- *Special Education*
- *Administration of Education Programs*
- *Administration of Mental Health Programs*

Visited:

- *Elementary, middle, & high school students*
- *Urban, rural, and suburban areas*
- *General education schools w/ co-teaching in inclusive classrooms*

Interviewed:

- *Special education teachers*
- *General education teachers*
- *Administrators*
- *Counselors*
- *Other Staff*



DOJ Findings Letter, GNETS

Records Review:

- *GNETS Program structure and design*
- *Practices and procedures (admission/exit criteria)*
- *Student outcomes*
- *Strategic plans for GNETS Program*

Stakeholder Interviews:

- *Parents*
- *Students with disabilities in the GNETS Program*
- *Students with disabilities NOT in the GNETS Program*
- *Community members*
- *Mental/Behavioral health providers*
- *Educators*



DOJ Findings Letter, GNETS

The State fails to provide services to students in the GNETS Program in the most integrated setting appropriate to their needs.

- *Most Students in the GNETS Program Receive Services in Segregated Settings.*
- *The State unnecessarily relies on segregated placements within the GNETS program to serve students with behavior-related disabilities.*
- *Most students in the GNETS Program could be served in more integrated settings and would not oppose more integrated services.*
- *The State administers its GNETS Services in a way that unnecessarily segregates students with behavior-related disabilities and puts other such students at serious risk of unnecessary segregation.*



DOJ Findings Letter, GNETS

The segregated GNETS Program provides unequal educational opportunities to students.

- *The State does not offer students in the GNETS Program equal opportunities to participate in elective courses or extracurricular activities.*
- *The GNETS Program's facilities and learning environment are unequal to those of other settings.*
- *The State does not provide students in the GNETS program equal opportunities to participate in the instructional services and curriculum received by non-GNETS students.*



DOJ Findings Letter, GNETS

Georgia can make reasonable modifications to avoid discrimination against students with behavior-related disabilities.

Georgia can redirect existing services, resources, training, and financial and human capital to appropriately integrate students with disabilities in the GNETS Program into general education schools and offer them full and equal opportunities to participate in electives, extracurricular activities, coursework, and other educational benefits and services enjoyed by their peers. The evidence indicates that doing so would not constitute a fundamental alteration under Title II.



DOJ Findings Letter, GNETS

DOJ Recommendations:

- *Amend policies that discriminate*
- *Ensure that students are educated in the most integrated setting appropriate to their needs*
- *Identify and provide services, systems, and supports that students will need for successful integration into general education schools.*
- *Conduct ongoing outreach to families and general education schools of GNETS program students to inform them that services and supports will be available to them in general education schools. Students and their parents must be provided with alternatives to segregated placements.*



DOJ Findings Letter, GNETS

DOJ Recommendations (cont'd):

If the GNETS program continues with a segregated program, the State must ensure that it

“provides opportunities for integration with students without disabilities to the maximum extent appropriate. They must offer opportunities for therapeutic and behavioral services and supports to meet the students’ needs as well as equal educational and extracurricular opportunities, including comparable academic rigor, teacher qualifications, course offerings, facilities, and extracurricular activities.”

[U.S.’s Investigation of the Georgia Network for Educational and Therapeutic Support](#)



VA Regional Programs & GA GNETS

VIRGINIA (Regional Programs)

11 Regional Programs—some center-based, plus self-contained classrooms/programs within schools

In FY2014: Served 4,464 students

Serves 77 school divisions

Cost to State: \$79 million (2014)

Avg. per pupil regional program: \$29,097

Avg. per pupil in public school: \$13,497

GEORGIA (GNETS)

24 regional programs—some center based, others in self-contained classrooms/programs within schools

Serves approx. 5,000 students

Statewide

Cost to state: \$77 million (2014)



VA Regional Programs & GA GNETS

VIRGINIA (Regional Programs)

Supports students falling within the following IEP eligibility categories:

- Emotional Disabilities (ED)
- Deaf-Blindness (DB)
- Autism (AUT)
- Traumatic Brain Injury (TBI)

GEORGIA (GNETS)

Supports students with the following IEP eligibility category:

- Emotional and Behavioral Disorder (EBD)



Similar, but no two State programs are identical.

- Cannot draw conclusions about Virginia's compliance with the ADA based solely on the Georgia findings.

Exciting first step, but a lot more work to do.

- Will be working with our Education and Advocacy Committees of The Arc of Virginia to work to reduce segregated placements.
- We will be continuing this conversation at The Arc of Virginia State Convention.

Bottom line-

- The letter clarifies the State's responsibility to provide educational supports and services in the most integrated settings appropriate to the students' needs.

Use of Children's Services Act (CSA; formerly Comprehensive Services Act) funds to support private day school placement.

- *Commission on Youth is in the process of studying whether CSA funds provide a financial incentive for students with IEPs to be placed in segregated private day schools, and is developing recommendations.*

Virginia Department of Education Study of Regional Programs

- *Review of current practices in state regional programs*
- *Developing draft policy/procedures for State oversight of regional programs*
- *Summary report of all findings and recommendations*

Seclusion and Restraint in Virginia's Public Schools

- *Draft regulations are being developed by VDOE with public town-hall meetings scheduled for the fall for comment. The Arc of Virginia's comments on the regulations will be made available once completed.*



Questions?

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Chair, Education Committee

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More information

- [Findings Letter: U.S.'s Investigation of the Georgia Network for Educational and Therapeutic Support](#)
- [Virginia Department of Education, Regional Special Education Programs](#)
- [Georgia Department of Education, GNETS Program](#)
- [Commission on Youth Studies](#) *(See "The Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities—Year Two")*
- [Notice of Intended Regulatory Action](#), *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*



In the Media

- [*U.S.: Georgia illegally segregating students with disabilities in inferior buildings with inadequate instruction*](#), Washington Post, Valerie Strauss
- [*Georgia illegally segregates disabled students, federal inquiry finds*](#), Atlanta Journal-Constitution, Alan Judd
- [*Georgia is Illegally Segregating Students With Behavioral Problems. There's a Better Way.*](#), Mother Jones, Allie Gross
- [*Report: State program segregates behavior-disabled students*](#), Athens Banner-Herald, Online Athens, Lee Shearer
- [*Federal Report Slams State's Program for Students with Behavioral Disabilities*](#), Education World, Nicole Gorman
- [*Georgia is Segregating Troublesome Kids in Schools Used During Jim Crow*](#), ProPublica, Marian Wang



The Arc[®]

Virginia

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A home, a job, a life...in the community!