

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES H., ISRAEL F., AND MALIK Z.
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

Civil Action No. 1:21-cv-00997 (CJN)

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND
FAIRNESS HEARING REGARDING SPECIAL EDUCATION
SERVICES FOR HIGH SCHOOL STUDENTS
AT THE DC JAIL

This notice is issued on October 26, 2023.

If you were a high school student at the DC Jail (CDF or CTF) at any time from March 24, 2020, to now, this notice may affect you.

A lawsuit claiming that the District of Columbia failed to provide high school students with special education and related services is being settled and, if the Court approves it, you may benefit. If you want to be included in the settlement, then you do not need to do anything. You can also decide to opt out from being part of the settlement.

A fairness hearing will be held on December 18, 2023, at 10:00am.

All objections must be submitted by December 4, 2023.

You can opt out of the settlement until December 4, 2023.

For more information, you may contact the Plaintiffs' lawyers at 202-240-7704 or DCJailEducationSettlement@sjpdc.org.

This notice is about a proposed settlement in a class action lawsuit about the delivery of special education and related services for high school students at the DC Jail, the Central Detention Facility (CDF) and the Correctional Treatment Facility (CTF), from March 2020 through now.

- **You may be covered by this lawsuit if you were supposed to get special education services and were enrolled in the high school at the DC Jail at any time from March 24, 2020, to now. It is possible you were supposed to get special education services if you had an IEP or if you were enrolled in IYP or Maya Angelou during this time.**
- **Your special education rights related to your time at the high school at the DC Jail will be affected by this lawsuit and settlement unless you opt out.**
- **You may be able to get educational awards to make up for education and services you missed at the high school at the DC Jail if the settlement is approved.**
- **You can also object to the proposed settlement and/or to opt-out of the proposed settlement.**

This notice explains the lawsuit, the settlement, and your options. Please read the notice carefully.

A. What Is This Lawsuit?

In April 2021, three students at the high school at the DC Jail filed a lawsuit called *Charles H. et al. v. the District of Columbia* claiming that they and other students were not receiving their special education and related services at the DC Jail during the pandemic and that this violated the Individuals with Disabilities Education Act, the Americans with Disabilities Act, the Rehabilitation Act, and the DC Human Rights Act.

1. Why Am I Part of This Lawsuit?

The lawsuit was filed as a “class action,” which means that the three students brought the lawsuit on behalf of themselves and all the other students at the high school at the DC Jail at that time. Specifically, the class includes anyone who was enrolled in high school at the DC Jail at any time between March 24, 2020, and today. According to our records, that group includes you, meaning you are a member of the Plaintiff class in this lawsuit.

2. What Happens Next in the Lawsuit?

The lawyers for the Plaintiff class and the District of Columbia have negotiated a settlement agreement that resolves the claims in the case. The next step is for the Court to consider the settlement agreement and decide whether to approve it. The Court will hold a public hearing, called a fairness hearing, to help it make a decision. The fairness hearing will be held on December 18, 2023, at 10:00am. It will be held in person at the United States Courthouse and upon request, will be live-streamed over Zoom and over a telephone line. If you or other members of the class believe the settlement agreement is unfair, you will have the opportunity to object to it at the fairness hearing. You can also submit written objections. All written objections to the settlement agreement must be submitted by December 4, 2023 [14 days before fairness hearing].

B. What Is in the Proposed Settlement Agreement?

The proposed settlement agreement will require the District of Columbia to provide current high school students at the DC Jail their education and related services. It will also provide make-up education to students who missed their education and services from March 24, 2020, to September 22, 2023 [Effective Date].

1. What Educational Award Can I Receive?

The proposed settlement gives each member of the class who missed hours of education and services from March 24, 2020, to September 22, 2023 [Effective Date], an educational award. The amount of the educational award will be based on when and how long you were enrolled at the high school at the DC Jail and how many hours of education and related services were received there. The education awards can be used for tutoring or make-up related services from your Individualized Education Program (IEP) which will be available to class members in the DC Jail or in the community after release. You may also choose to get an expense award instead, which can be used for educational expenses like textbooks, a work-training program, a GED program, or a college degree.

If you are now 22 years old or older, have not graduated from high school, and are not in jail or prison, you may be able to attend a school for adults where you can finish earning your high school diploma.

You must use the award within three years, but there are some exceptions if you are in the DC Jail or another state or federal correctional facility. For example, if you are in the DC Jail and the facility will not allow you to receive educational services there, the timeline for using the awards will be paused until you are released and then you can use the award when released.

2. What Can I Expect if I Am in High School at the DC Jail?

Students can expect that the High School at the DC Jail will offer all students in the Central Detention Facility (CDF) and the Correctional Treatment Facility (CTF) their required instruction, including specialized instruction, and related services in accordance with their IEPs.

3. How Will the Plaintiffs' Lawyers Be Paid?

School Justice Project, the Washington Lawyers' Committee, and the law firm Terris, Pravlik & Millian, LLP, will be paid \$ 2,500,000 by the District of Columbia for work done on this lawsuit if the Judge agrees. That money does not come out of your awards and you do not have to pay any money. You may object to the attorneys' fees award at the fairness hearing.

4. How Can I See the Full Settlement Agreement?

This notice only provides a summary of the proposed settlement. To fully understand the proposed settlement, you should read the entire proposed settlement agreement. If you would like to request a paper copy of the settlement agreement, or if you have any questions, you can reach out to the lawyers who brought this lawsuit. Their contact information is at the end of the notice. If you

wish, you should consult with your own lawyer. You may also view the settlement agreement online at: <https://www.tpmlaw.com/charles-h-v-district-of-columbia> or <https://www.dcd.uscourts.gov/cases-interest>.

5. How Will My Educational Information Be Handled?

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects student privacy. Under FERPA, the District is required to notify you before giving your personal information or education records to anyone else. Under the Settlement Agreement in this case, DCPS and OSSE are required to share some of your personal information and education records with an auditor and the attorneys for the Settlement Class Members. Both the auditor and the Plaintiffs’ lawyers are required to keep your educational information private and confidential. You will be provided the option not to have your information shared.

C. What Are My Options for this Settlement?

The proposed settlement agreement will end the lawsuit and end all the claims for the issues raised in the case for the members of the class. This means that, unless you opt out, you will not be able to make claims about any lack of educational services at the DC Jail during the pandemic from March 24, 2020, to now.

There are three options for you at this stage in the process:

1. If you want to be part of the case and receive the educational awards in the settlement agreement, then you do not need to do anything.

Once the Court approves the settlement agreement, you are automatically included in it. Under this option, you will receive the educational awards to which you are entitled from March 24, 2020 to September 22, 2023 [Effective Date], and you cannot bring an individual lawsuit based on the same claims.

2. If you want to be part of the case but you do not think the proposed settlement agreement is fair, then you can object.

The Court will consider objections when deciding whether to approve the settlement agreement or reject it. You or a lawyer who represents you can submit written objections to the Court or speak at the fairness hearing. Written comments must be submitted by December 4, 2023 [14 days before fairness hearing]. The fairness hearing will be held on December 18, 2023, at 10:00am, and a request to speak at the hearing must be submitted to the Court by December 4, 2023 [14 days before fairness hearing]. You can submit comments and/or a request to speak at the hearing by mail using the following information:

MAILING ADDRESS:

Charles H. Special Education Case
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW

Washington, D.C. 20001

3. If you do not want to be part of the case, you can *opt-out of the class*.

Opting-out of the class means you will not receive an educational award from this lawsuit for any education or related services you missed at the high school at the DC Jail from March 24, 2020, to September 22, 2023 [Effective Date], but you can bring a lawsuit with your own claims. Before opting out, you may want to talk to a lawyer who can help you weigh the pros and cons of being part of this settlement.

To opt-out of the class, contact the lawyers for Plaintiffs by mail or email to tell them you wish to opt out:

MAILING ADDRESS: School Justice Project 641 S Street NW, Suite 300 Washington, DC 20001	EMAIL ADDRESS: DCJailEducationSettlement@sjpdc.org
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D. What If I Have Questions?

If you have any questions about this lawsuit or about the proposed settlement, please contact the lawyers who brought this lawsuit and represent you and the other the students using one or more of the following methods:

MAILING ADDRESS: School Justice Project 641 S Street NW, Suite 300 Washington, DC 20001	EMAIL ADDRESS: DCJailEducationSettlement@sjpdc.org
TELEPHONE NUMBER: 202-240-7704	IF YOU ARE AT THE DC JAIL AND HAVE ACCESS TO A TABLET, YOU MAY CONTACT Tayo Belle, Esq.