

NOTICE OF SETTLEMENT OF CLASS ACTION LITIGATION
Casey A. et al., v. Jon R. Gundry, et al., Case No. CV 10-00192 GHK (FMOx)

To: All People Who Were Detained at Challenger Memorial Youth Center in Lancaster, California at any point between January 12, 2008 and November 8, 2010.

PLEASE READ ALL OF THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION SETTLEMENT.

The parties have reached a proposed settlement agreement (“Settlement”) in this class action brought on behalf of students who alleged that they were denied educational and rehabilitative services during the time they were detained at Challenger Memorial Youth Center (“Challenger”). You are getting this notice because records show that you were detained at Challenger between January 12, 2008 and November 8, 2010. Because of this, you are a member of the Class that is affected by this settlement.

The Court has authorized this notice. The Settlement will be considered final only after the Court has a hearing to decide whether to approve the Settlement. The Court has not decided the merits of this case. This notice is being sent to you to: 1) describe the Settlement; and 2) explain your rights, including how to participate in the Settlement, object to the Settlement, or request to be excluded from certain parts of the Settlement, as well as what happens in each case.

I. BACKGROUND OF THE CASE

Three students who had been detained at Challenger alleged in a case filed in federal court that they did not get appropriate education and rehabilitative services while they were there, and asked to represent all other students at Challenger since January 12, 2008 (“Class Members”). The lawsuit alleges violations of students’ rights to due process and equal protection under the United States and California Constitutions and their rights to receive general education and special education services under federal and California statutory law. The three students brought the lawsuit against the Los Angeles County Probation Department and several officials of the Los Angeles County Office of Education (collectively “Defendants”).

The three students asked the federal court to order Defendants to make sure that all of the students detained at Challenger receive appropriate education and rehabilitative services and asked for services for the students – who are also called “class members” -- to make up for services they did not receive while at Challenger.

II. SUMMARY OF THE PROPOSED SETTLEMENT

A. Defendants Must Implement Systemic Reforms at Challenger

The Settlement says that Defendants must make systemic reforms at Challenger in thirteen areas related to educational and rehabilitative services for detained students. This means that Defendants will take steps to make sure that students at Challenger receive appropriate educational and rehabilitative services. Defendants will use a team of independent experts who will help them develop and implement plans to provide educational and rehabilitative services,

and monitor compliance with the Settlement. Defendants will also create a Challenger Reform Taskforce that will provide feedback on the reform efforts at Challenger. Defendants will also develop a literacy program, including a lending library, and a career and technical education program, and take a number of other steps to improve education and rehabilitative services at Challenger.

B. Los Angeles County Office of Education (“LACOE”) must provide compensatory education services to Class Members

As part of the Settlement, most Class Members will get individualized education and transition counseling services provided for free through independent service providers. If the Court approves the Settlement, Class Members will receive a separate notice telling them how many hours of services they will get and how to get their services. Class Members will have two years from the date that notice is mailed to use these services. The number of hours of services each Class Member will get will be determined as follows:

1. Class Members Who Have Not Received a High School Diploma/GED

Class Members will each receive: One (1) point if they were detained at Challenger for more than 15 cumulative school days; One (1) additional point if they were detained at Challenger for more than 200 cumulative school days; One (1) additional point if they were identified as eligible for special education services; One (1) additional point if they were younger than 15 years old when first admitted to Challenger. Each Class Member will be entitled to 40 hours of services for each point he receives under the formula.

Based on this formula, Class Members in this category will be entitled to between 40 and 160 hours of services. After completing at least 40 hours of services, the Class Member can also get a free e-reader with two free books of his choice.

2. Class Members Who Have Received a High School Diploma or GED

If a Class Member has already received a high school diploma or a GED, that Class Member will not receive the services explained in section (1), above, but will instead receive five hours of career or educational counseling. After completing the five hours of services, the Class Member can also get a free e-reader with two free books of his choice.

3. Class Members Who Were At Challenger Fewer Than 15 School Days

Class Members will **not** receive compensatory services if they were detained at Challenger for fewer than 15 school days.

C. Release of Claims

The Defendants are Jon R. Gundry, Interim Superintendent of LACOE; William Elkins, Director of the LACOE Division of Juvenile Court Schools; Jesus Corral, Principal of LACOE’s Christa McAuliffe High School; and the Los Angeles County Probation Department.

There are some provisions of the Settlement that Class Members can “opt out” of, using the procedures explained in Section IV(B). There are other provisions that Class Members cannot opt-out of.

Class Members (even if they opt-out) will release Defendants and all of their respective agents, employees, or employers from all claims for declaratory and injunctive relief for violations of federal and state law related to education and rehabilitative services. Class Members (if they don’t opt out) will also release all claims, including compensatory education services claims, for alleged failure to provide “special education” and “transition services” under the Individuals with Disabilities Education Act arising out of their detention at Challenger between January 12, 2008 and November 8, 2010.

Class Members (whether or not they opt out) do not waive any special education “related services” claims under the Individuals with Disabilities Education Act because no services are being offered as part of the Settlement for any of those potential claims. Class Members (whether or not they opt out) also do not waive any claims for damages.

D. Class Representatives’ Compensatory Services Packages and Attorneys’ Fees

The three students who brought the case -- who are also called Class Representatives -- will each receive compensatory services that the California Office of Administrative Hearings previously ordered for each of them as a result of cases that each of them filed related to alleged denials of special education services. Class Representative Miguel B. will also receive \$10,000.00 in damages related to the circumstances of his detention at Challenger. The attorneys who brought this case -- who are also called Class Counsel -- will ask the Court to approve payment of attorneys’ fees and costs in the amount of \$325,000.00.

III. FINAL SETTLEMENT APPROVAL HEARING

The Court will hold a Final Settlement Approval Hearing to determine whether the Settlement is fair, reasonable and adequate for the Class. The Hearing will be in the United States District Court for the Central District of California, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012, in Courtroom 650 before the Honorable George H. King, United States District Judge. The hearing will be on Monday May 23, 2011 at 9:30 a.m. You can appear, but do not have to. You can appear yourself or through a lawyer, and be heard at the Final Settlement Approval Hearing, if you submit a timely objection (explained below).

IV. WHAT ARE YOUR OPTIONS AS A CLASS MEMBER OF THIS SETTLEMENT?

As a Class Member you can:

A. Do Nothing Now, and Claim Your Compensatory Services If the Settlement Is Approved

If you agree with the Settlement, you do not need to do anything. If the Settlement

receives final approval from the Court, Class Members will get a notice telling them how many hours of compensatory services they can get and how to get those services.

B. Opt Out of the Compensatory Education Services part of the Settlement Only .

As a Class Member, if instead of accepting the compensatory education services offered through this Settlement, you want to file your own case in front of the Office of Administrative Hearings for compensatory education services under the Individuals with Disabilities Education Act related to the Defendants' failure to provide "special education" and "transition services" and you do NOT want to receive the compensatory education services offered to the Class Members through this Settlement, you can "opt out."

If you wish to "opt out" from the Settlement for the compensatory education services claim ONLY, you must send a written request by certified mail, with return receipt requested, no later than May 6, 2011, to the following address:

David Sapp, ACLU Foundation of Southern California
1313 W. 8th Street, Los Angeles, California 90017

If you cannot send your letter certified mail, please send the letter by regular mail. Class Counsel will collect all requests to opt out and give them to the Court and Defendants' counsel. Please include your full name, address, and dates of your detention at Challenger and the case name, *Casey A., et al. v. Jon R. Gundry, et al.*, Case No. CV 10-00192 GHK (FMOx). Everything that you write in your request to opt out will be shared with all parties and the Court.

PLEASE NOTE: Class Members will be bound by the Settlement's provisions related to compensatory education services and will waive those claims, if the Settlement is approved by the Court, unless they submit a timely written request to opt out from this part of the Settlement. Even if you timely request to opt-out of the compensatory education part of the Settlement, you are still a Class Member with respect to all other parts of the Settlement, and if the Settlement is approved by the Court, you will still have released Defendants from all claims for declaratory and injunctive relief (but not for compensatory education services).

C. Object to the Settlement.

If you believe the Settlement should not be approved by the Court for any reason, you may tell this to the Court. First, you can object to the Settlement in writing. The written objection must explain why you object. Please mail your objection to the following address:

David Sapp, ACLU Foundation of Southern California
1313 W. 8th Street, Los Angeles, California 90017

Second, you may object to the Settlement by calling the toll-free number (866) 752-6679 and leaving a voice message in English or Spanish. Your message must explain why you are objecting.

You must call or mail your letter no later than May 6, 2011. Class Counsel will collect all objections and submit them to the Court and Defendants' counsel prior to the Final Settlement Approval Hearing. Everything that you write in your objection or say on the message line will be shared with all parties and the Court.

If you write or call to object, please include your full name, address, and dates of your detention at Challenger. Also tell us if you plan to appear at the Final Settlement Approval Hearing. Only those who have filed a timely written objection, or timely called to state an objection, may be heard at the Final Hearing.

If you object to the Settlement, but do not request exclusion from the compensatory education services part of the Settlement, you will be bound by the terms of the Settlement in the same way as Class Members who do not object, if the Court approves the Settlement. Any Class Member who does not object in the manner explained above shall have waived any objection to the Settlement, whether by appeal or otherwise.

V. GETTING MORE INFORMATION

This is a summary of the Settlement. You can go to the Court any time during regular business hours to look at the pleadings in this case and the Settlement Agreement. The Court is the Central District of California, Spring Street Courthouse, 312 N. Spring Street, Los Angeles, CA 90012. You can also contact Class Counsel for more information, as follows:

David Sapp, ACLU Foundation of Southern California
1313 W. 8th Street, Los Angeles, California 90017
Telephone: (213) 977-5220

The Class Representatives and Class Members in this case are also represented by the Disability Rights Legal Center, Public Counsel Law Center, and ACLU National Legal Department.

PLEASE DO NOT CALL THE COURT, DEFENDANTS' COUNSEL, THE LOS ANGELES PROBATION DEPARTMENT, OR THE LOS ANGELES COUNTY OFFICE OF EDUCATION FOR INFORMATION REGARDING THIS SETTLEMENT.

BY ORDER OF THE COURT.

Dated:

HON. GEORGE H. KING
UNITED STATES DISTRICT JUDGE