

**THE GEORGIA ADVOCACY OFFICE v. STATE OF GEORGIA  
CIVIL ACTION NO. 1:17-CV-03999-MLB (N.D. GA.)**

**BACKGROUND**

The Bazelon Center and its co-counsel filed this class action lawsuit on October 11, 2017 alleging that the State of Georgia denies equal educational opportunity to and unnecessarily segregates thousands of students with disabilities by placing the students in the Georgia Network for Educational and Therapeutic Supports Program (GNETS). Plaintiffs allege that, as a result of placement in GNETS, students with disabilities receive a separate and inferior education and are denied the opportunity to be educated with their non-disabled peers in neighborhood schools in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

**STATUS UPDATE**

**APRIL 1-JUNE 30, 2018**

On January 8, 2018, Defendants filed a Motion to Dismiss, primarily arguing that the state officials sued are not responsible for operating or administering the GNETS program and that, in any event, students are placed in GNETS pursuant to educational decisions made by local Individualized Education Program (IEP) Teams. Plaintiffs filed their response on February 7 refuting Defendants' arguments and setting forth in detail why they should be rejected. After the Defendants filed their motion, but before Plaintiffs submitted their response, a new judge was assigned to hear the case. The judge, Michael L. Brown, was appointed by President Trump and joined the bench in early January 2018. Judge Brown has not yet ruled on the Motion to Dismiss.

Plaintiffs remain confident that the Motion to Dismiss will be denied, and once that occurs their Motion for Class Certification will be due 90 days thereafter. Thus, most recent activity has related to class certification issues, including identifying common practices and policies of Defendants



that will help Plaintiffs meet the requirements of Rule 23(b)(2), as well as starting to outline the legal and factual components of the class motion and brief. In addition, Plaintiffs have retained one expert and shortly will be meeting with two other potential experts regarding class certification issues.

And, of course, once the Motion to Dismiss is denied, fact discovery can begin in earnest. Plaintiffs also have begun planning for that phase of the case, including ascertaining potential deponents so that we can move expeditiously once we are able to proceed and identifying potential experts who likely will be needed to help Plaintiffs prove their claims.

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