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Media Contacts:

Patty Guinto, National Center for Youth Law,
pguinto@youthlaw.org, 626-512-4974

Laura Kaloi, COPAA,

lkaloi@stridepolicy.com, 202-210-1494

Elizabeth Seaberry, Disability Rights Oregon,
eseaberry@droregon.org, 503-444-0026

Resounding Win for Children with Disabilities: Judge Rules Systemic Federal Lawsuit Can Move Forward

The ruling spells out the State’s duty to “monitor, investigate, and enforce” a federal law that protects the education rights of children with disabilities

Portland, Oregon—On Tuesday, a federal judge denied a motion by the State of Oregon to dismiss a federal lawsuit brought on behalf of children with disabilities throughout the state who have not been allowed to attend a full day of school because of behavior. The named plaintiffs in the lawsuit are four children who represent a class of similarly affected students and the Council of Parent Attorneys and Advocates (COPAA).

In the lawsuit, *J.N. v. Oregon Department of Education*, the plaintiffs allege that public schools throughout Oregon systematically and unnecessarily shorten the school day of children whose disabilities lead to challenging classroom behaviors, and that the state violates federal law by failing to take the steps necessary to ensure that these students receive the education to which they are entitled. The suit was filed in the U.S. District Court for the District of Oregon on January 22, 2019.

In the ruling, U.S. District Court Judge Ann Aiken clearly spelled out the State of Oregon’s obligation under federal law to ensure that children with disabilities in every school district across the state receive a free and appropriate public education and are not needlessly denied the opportunity to learn for a full school day, writing:

“... the State is ultimately responsible for ensuring that all children with disabilities receive a FAPE [free appropriate public education].”

Judge Aiken further explained that a federal special education law, the Individuals with Disabilities Education Act (IDEA), “contemplate[s] that a State has control or should have control over the districts.” Judge Aiken wrote:

“[A]lthough school districts formulate and implement IEPs, the State has an affirmative statutory duty to monitor, investigate, and enforce the IDEA requirements and to assist the districts to ensure that they comply with state and federal law.”

In the lawsuit, the plaintiffs allege that, by failing to meet those duties, the State of Oregon has effectively denied at least hundreds of children with disabilities, some children as young as five- and six-years-old, the opportunity to attend school for a full day.

The suit was filed by National Center for Youth Law (NCYL), Council of Parent Attorneys and Advocates (COPAA), Disability Rights Oregon (DRO), the Bazelon Center for Mental Health Law, and pro bono attorneys. In response to the judge’s ruling, DRO, NCYL, Bazelon and COPAA released the following statement:

Statement on Court’s Ruling on State’s Motion to Dismiss

We are heartened that the court’s ruling will bring us a step closer toward achieving a measure of equality for those Oregon students with disabilities who are consistently denied the opportunity to attend a full day of school. Every child deserves the chance to learn and reach their full potential. Being needlessly separated from other students and excluded from school while their classmates are learning sends an unmistakable message to children that they do not belong. This is no small thing in the life of a child.

With the right supports for teachers and students, virtually all children can learn in school alongside their classmates. Students whose disabilities impact their behaviors are no exception.-Ensuring that students with disabilities are included in school will give them the foundation that they need to thrive in their classrooms and communities for years to come.

The judge’s decision means that these students—and the hundreds more that they represent—will have their day in court. We’re confident that we’ll prove that the State must do more to assure that all children with disabilities are provided access to the same education that is provided to their peers.

Resources:

- [Ruling from the U.S. District Court for the District of Oregon](#) on the State’s Motion to Dismiss: (Case No. 6:19-cv-00096-AA, September 1, 2020)

- Original [complaint](#) in *J.N. v. Oregon Department of Education* filed January 22, 2019

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The National Center for Youth Law is a non-profit law firm that helps marginalized children achieve their potential by transforming the public agencies that serve them. www.youthlaw.org.

The Council of Parent Attorneys and Advocates (COPAA) is an independent, national nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA's national network of 2600+ members work to protect the legal and civil rights of students with disabilities and their families. COPAA members are at work wherever the voices of families and students need to be heard. COPAA supports them with resources, training, and information to assist in obtaining the equal opportunity for education those children deserve and are entitled to under federal law. www.copaa.org

Disability Rights Oregon upholds the civil rights of people with disabilities to live, work, and engage in the community. The nonprofit works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon's Protection & Advocacy system. www.droregon.org

The Bazelon Center for Mental Health Law is a national advocacy organization representing people with mental disabilities. It promotes laws and policies that enable people with psychiatric, intellectual, or developmental disabilities to exercise their life choices and receive the supports they need to participate fully in their communities. www.bazelon.org

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