

## **Lawsuit Gains Class Action Certification: Oregon School Districts Need to Provide Students with Disabilities Equal School Day Lengths**

### **For Immediate Release**

February 8, 2021

On February 5, 2021, a federal district court in Oregon ruled that a lawsuit filed by the Bazelon Center and other advocates on behalf of children with disabilities will move forward as a class action lawsuit.

The federal class action lawsuit was filed by Bazelon, the National Center for Youth Law, the Council of Parent Attorneys and Advocates (COPAA), Disability Rights Oregon, and pro bono attorneys on behalf of four individual students and COPAA in January 2019, against the Oregon Department of Education, Oregon Governor Kate Brown, and other state officials. The lawsuit alleges that the state's failure to educate students with disabilities for a full school day in their public schools, instead shortening their school day – in some cases by several hours a day – violates the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA) and the federal Rehabilitation Act.

The lawsuit requests systemic relief for the class requiring the State to take responsibility for ensuring that Oregon school districts provide these children the supports and services that they need in order to succeed in school alongside their peers without disabilities and access a full day of instruction. The court's decision to certify the class may affect hundreds, if not thousands, of the state's K-12 students with disabilities, and means the lawsuit has the potential to prevent school districts across the state of Oregon from needlessly using shortened school days to deny the students the education to which they are entitled.

The federal judge overseeing the case, Ann Aiken, stated that "Plaintiffs have shown that misuse of shortened school days to address disability-related behaviors is widespread among Oregon schools." The Bazelon Center and the other attorneys for plaintiffs will now prepare for trial on behalf of COPAA and the class.

### **For further information, contact:**

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