

***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**

**JANUARY 1-MARCH 31, 2018**

On January 8, 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. Defendants then submitted a Reply Brief, and the parties now await a ruling by the judge. Defendants have requested oral argument on their motion, but no decision on that request has yet been made.

After the Defendants filed their Motion to Dismiss, 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.



Additional activities this quarter included identifying a potential expert to begin working on Plaintiffs' behalf. On March 8, we and our co-counsel met with the potential expert to discuss in detail how he might be best able to assist with the case, including on issues likely to be raised in opposition to our forthcoming motion for class certification.

Looking forward to the next six months, we are confident that we will succeed in defeating the Motion to Dismiss. Once that occurs, our activity will next focus on preparing and filing a motion for class certification and brief in support. In addition, we expect discovery to begin in earnest, and we will use the coming months to prepare written discovery and to begin identifying potential deponents so that we can move expeditiously once we are able to proceed. We will also continue to identify and talk with other potential experts who likely will be needed to help Plaintiffs prove their claims.

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