



FINAL REPORT

Submitted to The Barbara McDowell and Gerald S. Hartman Foundation

October 2023

I. Case Summary

The National Center for Youth Law (NCYL) and co-counsel filed *D.P. et al v. School Board of Palm Beach County et al.* in June 2021. The lawsuit sought to stop the School District of Palm Beach County (SDPBC) from handcuffing students who need mental health supports and transporting them for involuntary psychiatric examinations without their parents' consent. The lawsuit sought implementation and monitoring of more effective mental health supports, as well as modifications to District policy and improved training for District staff. We also pursued damages claims for individual families who brought the case. The case holds significant implications for other jurisdictions where law enforcement is being inappropriately and illegally used when students experience mental health crises.

In February 2023, Judge Cannon adopted in full the Report and Recommendation of Magistrate Judge Reinhart on Defendants' first Motion to Dismiss. Judge Cannon found that Plaintiffs had stated a claim for violations of the Fourth and Fourteenth Amendments, as well as violations of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Judge Cannon dismissed claims against individual Defendants due to qualified immunity and granted Plaintiffs leave to amend to clarify individual counts. Plaintiffs filed a Second Amended Complaint to conform with the Report and Recommendation in March 2023. Defendants filed a Second Motion to Dismiss in late March 2023. In April 2023, Plaintiffs opposed Defendants' Second Motion to Dismiss and sought consolidation with summary judgment briefing. Judge Cannon denied Defendants' Second Motion to Dismiss, without prejudice to Defendants raising the same arguments in their summary judgment motion.

The parties filed cross-motions for summary judgment in mid-May 2023, with Plaintiffs filing a partial motion for summary judgment. Plaintiffs also filed a Daubert motion in mid-May 2023, seeking to disqualify one of Defendant's testifying experts; Defendants also filed a Daubert motion seeking to disqualify one of the Plaintiffs' testifying experts. The parties filed oppositions to the pending summary judgment and Daubert motions in mid-June 2023. The U.S. Department of Justice Disability Rights Section submitted a Statement of Interest that articulated the need for school staff, including school police, to provide reasonable accommodations, even those that are not specifically requested by a student with a disability, during a school's response to a potential mental health crisis. The Parties filed reply briefs on June 28, 2023. Judge Cannon set oral argument on the summary judgment motions for June 30, 2023. On June 29 and 30, 2023, all of the individual student and parent plaintiffs accepted Offers of Judgment from the Defendants under Rule 68 of the Federal Rules of Civil Procedure. Plaintiffs noticed the acceptance of these Offers to the Court. Disability Rights Florida (DRF), the sole remaining plaintiff, proceeded with the summary judgment hearing on June 30, at

which point Judge Cannon *sua sponte* questioned DRF's standing and informed the parties that she would accept the Offers of Judgment shortly. On July 5, 2023, Judge Cannon accepted the Offers of Judgment for the individual Plaintiffs and entered judgment for the individual Plaintiffs and against the District for \$450,000. Because judgment was entered pursuant to Offers of Judgment, no injunctive relief was ordered. Judge Cannon dismissed Disability Rights Florida's remaining claims.

NCYL is immensely grateful to the Foundation for providing critical financial support for our litigation to protect the rights of students criminalized for their mental health needs.

II. Significant Decisions

Attached here are:

- (1) the District Court's order adopting the Report and Recommendation on the first Motion to Dismiss;
- (2) the District Court's order entering Judgment.

III. Anticipated Progress

After we filed our complaint, the District amended their policy to increase the role of mental health professionals in the decision to initiate an involuntary examination. The District reported that their policy changes resulted in an 80% decrease in the number of involuntary examinations across the District. Disability Rights Florida continues to advocate through local policy advocacy for additional policy changes.

IV. Media Coverage

<https://www.wptv.com/news/education/palm-beach-county-school-district-to-revise-baker-act-policy-after-440-000-court-judgment>

<https://www.wpbf.com/article/palm-beach-county-school-district-planning-to-revise-baker-act-policy/44581902>

<https://health.wusf.usf.edu/health-news-florida/2023-08-01/advocates-push-for-changes-to-baker-act-policy-in-palm-beach-county-schools>

V. Photos

Not applicable

VI. Attorney Contact Information

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