

Si necesita una copia de este aviso en español, por favor solicite una copia o visite este sitio web: <https://dralegal.org/wp-content/uploads/2019/12/TG.Kern-Class-Notice-Spanish.pdf>.

**NOTICE OF PROPOSED SETTLEMENT
OF CLASS ACTION LITIGATION**

To all youth who are currently detained in Kern County Juvenile Hall, Crossroads, or Camp Erwin Owen:

- Do you have an Individualized Education Program or “IEP?”
- Do you have a Section 504 Plan?
- Do you have a hard time learning?
- Do you know you have a mental health, behavioral, learning, intellectual, and/or developmental condition?
- Do you think you might have a mental health, behavioral, learning, intellectual, and/or developmental condition?

If you answered “yes” to any these five questions, then the information below may affect your rights.

If you are a parent and you answered “yes” to these questions for your child, then the information below may affect your child’s rights.

**PLEASE READ ALL OF THIS NOTICE CAREFULLY. YOUR RIGHTS
MAY BE AFFECTED BY A CLASS ACTION SETTLEMENT.**

I. Why am I receiving this notice?

In 2018, three youth who were held in Kern County Juvenile Facilities filed a lawsuit against the County of Kern, the Kern County Probation Department, and the Kern County Superintendent of Schools because they thought their rights were being violated.

This lawsuit is called a “class action” because it tries to change the system and help other youth who may have experienced the same or similar problems. These youth are called “Class Members.” If you are a parent and you answered “yes” to the questions above for your child, then your child may be a Class Member.

- **Class Members are all youth with mental health, behavioral, learning, intellectual, and/or developmental disabilities as defined by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the Individuals with Disabilities Education Act who are currently detained, or who will be detained during the monitoring period, at the Kern County Juvenile Facilities (Juvenile Hall, Crossroads, and Camp Erwin Owen).**

The Kern County Probation Department and Kern County Superintendent of Schools do not agree that they have violated youths' rights, but they have agreed to make changes at the Juvenile Hall, Crossroads, and Camp Owen. These changes include additional staff, more programming, and better educational opportunities.

You are receiving this notice because you or your child are currently detained at the Juvenile Hall, Crossroads, or Camp Owen. Because of this, you or your child may be a member of the class that will be affected by this settlement.

The Court has authorized this notice. This notice is being sent to you to:

- describe the settlement;
- tell you how to learn more about the case and settlement; and
- explain your rights or your child's rights, including how to object to the settlement.

II. What is this case about?

Three youth with disabilities who were detained at the Juvenile Hall, Crossroads, and/or Camp Owen filed a class action lawsuit in federal court to improve the facilities for themselves and the Class Members.

In their lawsuit, the youth requested better educational services, including better special education, for youth with disabilities. They also requested that certain things change inside the Juvenile Hall, Crossroads, and Camp Owen. For example, they asked for more rehabilitative programs where they could learn skills and tools that they needed to live at home after they were released. They asked for more job training, therapy programs, and

other services. They also asked for the County to limit its use of pepper spray and room confinement. They requested these changes for all youth with disabilities at the Juvenile Hall, Crossroads, and Camp Owen.

In their lawsuit, the youth said that the Probation Department and Superintendent of Schools were violating the following laws: the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Improvement Act, California Government Code Section 11135, and the California Education Code.

The Probation Department and Superintendent of Schools do not agree that they are or have violated any youths' rights. However, the Probation Department and Superintendent of Schools believe that it is important to support and rehabilitate youth in their care, and they have agreed to make some changes.

The youth, Probation Department, and Superintendent of Schools have hired experts to determine how to improve the services provided at the Juvenile Hall, Crossroads, and Camp Owen. The experts inspected the facilities, met and interviewed with staff and youth, and reviewed records and other information. The experts then provided recommendations and suggestions for improving the facilities.

The youth, Probation Department, and Superintendent of Schools have reached a settlement that adopts the experts' recommendations to improve the Juvenile Hall, Crossroads, and Camp Owen for all Class Members.

The youth in this case are represented by the law firms Disability Rights California and Disability Rights Advocates.

III. What does the settlement change?

- A. Detained youth will have more programs, services, and resources.

As part of the settlement, the Probation Department and Superintendent of Schools have already begun to make changes to their programs and services at the Juvenile Hall, Crossroads, and Camp Owen. These changes will continue over the course of the next three years.

As mentioned above, these changes are based on the experts' recommendations. The changes include more educational opportunities for

youth, better special education services, and improved facilities and resources.

The Probation Department will be hiring additional staff to provide more programming, trauma-informed care, and better crisis interventions. Youth will have more access to books, libraries, and writing materials. Youth will spend most of the day outside of their rooms, learning or interacting. Staff will be trained to recognize and better work with youth with disabilities such as ADHD, mental health conditions, trauma, and learning disabilities. Physical interventions, such as pepper spray and physical restraint, will be used less often and only when reasonable and necessary to prevent someone from getting seriously hurt.

The Superintendent of Schools will be changing its model to provide grade-specific classes for high school students. There will be more special education options to ensure that students with disabilities can participate in regular classes. The schools will get additional teachers, counselors, and other staff to support students. The Superintendent of Schools has purchased tablets to make sure that all youth have access to online learning and college preparatory classes. In addition, there will be more career and technical education options available for students to learn skills for jobs.

As a part of the settlement, the experts will monitor the conditions, services, and programs at the Juvenile Hall, Crossroads, and Camp Owen for the next three years. The experts will make sure that the settlement is being followed.

B. Class Members are giving up some rights.

Under the settlement, the Probation Department and Superintendent of Schools will do their part by making changes to the Juvenile Hall, Crossroads, and Camp Owen. In exchange for these changes, the Class Members agree not to bring the same lawsuit or claims again against the Probation Department and Superintendent of Schools.

This means that Class Members give up or “waive” the ability to sue the Probation Department and Superintendent of Schools for *systemic* violations of their rights under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Improvement Act, California Government Code Section 11135,

and the California Education Code. Class Members also give up the ability to sue the Probation Department's and Superintendent of School's employees, employers, and agents under the same laws. This waiver is limited to the time period between February 21, 2016, and the date that the Court approves the settlement.

C. Class Members are not giving up all rights.

As a Class Member, you do not give up your rights under other laws not listed above. For example, personal injury claims are not covered by this settlement.

Also, as a Class Member, you are not giving up the right to bring any case you may have for *individual* claims as allowed by law. For example, Class Members may still file their own individual case for compensatory education or due process under the Individuals with Disabilities Education Act or Section 504, even for the time period covered by this settlement. You can also bring individual claims involving reasonable accommodations and physical access, communication access, or other types of accommodations.

This settlement is not proof that your individual rights have been violated. The County of Kern, Probation Department, and Superintendents of Schools do not agree or admit have they have violated anyone's rights.

IV. I'm a Class Member or my child is a Class Member. What are my options?

A. Class Members are automatically part of the case.

If you or your child meets the description at the top of this notice, you or your child is automatically a Class Member. You and your child do not need to take any further action.

B. Important Dates and Deadlines.

The Court will hold a hearing to consider whether to approve the settlement on April 15, 2020. This hearing will take place at the United States Courthouse at 510 9th Street, Bakersfield, California. If the Court approves the settlement, the settlement will be final. Please note that this date may change without further notice to the class.

C. Class Members may raise concerns about the settlement.

If you are a Class Member and you disagree with any part of this settlement, you have the right to raise your concerns with the Court. This is called making an “objection” to the settlement.

There is a time limit for making objections. Class Members must make any objections by March 16, 2020.

You may object to the settlement in writing. You may also appear at the Court’s final approval hearing, either in person or through your own attorney. You may not appear to make objections in person unless you have provided written objections by March 16, 2020, and stated in your written objections that you are planning to appear in person on April 15, 2020. If you appear through your own attorney, you are responsible for paying that attorney.

If you write to the Court with your objection, you must include the case name (*T.G., et al. v. Kern County, et al.*) and case number (No. 18-CV-00257-JLT), as well as your name, address, and signature.

Objections must be received no later than March 16, 2020, and must be sent to the following address:

Robert E. Coyle United States Courthouse
2500 Tulare Street, Room 1501
Fresno, CA 93721

You may also bring your written objection to the Courthouse in person.

Please note that the Court can only approve or deny the settlement. The Court cannot change the terms of the settlement.

V. How can I learn more about the case and settlement?

A. Read about the case and settlement online.

To learn more about the background of this case, you may read the papers that have been filed with the Court. Some of those papers are available on Disability Rights Advocates’ website:

<https://dralegal.org/case/t-g-et-al-v-kern-county-et-al/>

You may also learn more about this case by accessing the case docket on the Public Access to Court Electronic Records (“PACER”), available at <http://www.caed.uscourts.gov/caednew/>. To use PACER, you must create a login and account.

You can also get more information by going to the office of the Clerk of the Court for the United States District Court for the Eastern District of California, 2500 Tulare Street, Room 1501, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

B. Speak with someone at Disability Rights California or Disability Rights Advocates.

If you have questions about the case or settlement, you may contact either **Carly Munson** at Disability Rights California or **Thomas Zito** at Disability Rights Advocates for more information.

Here is their contact information:

Attn: Carly Munson
Disability Rights California
350 South Bixel Street, Suite 290
Los Angeles, CA 90017
Phone: (213) 213-8000

Attn: Thomas Zito
Disability Rights Advocates
2001 Center Street, Fourth Floor
Berkeley, CA 94704
Phone: (510) 665-8644

If you need this information in Spanish, a copy of this notice is available at <https://dralegal.org/wp-content/uploads/2019/12/TG.Kern-Class-Notice-Spanish.pdf>. To obtain copies of this Notice in another language or in alternative accessible formats, please contact Carly Munson or Thomas Zito.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO ASK ABOUT THIS SETTLEMENT.