

November 25, 2015

Governor Nathan Deal  
Office of the Governor  
206 Washington Street  
111 State Capitol  
Atlanta, Georgia 30334

Attorney General Sam Olens  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, Georgia 30334

**Re: U.S. Department of Justice Determination that the GNETS Program Violates the Americans with Disabilities Act**

Dear Honorable Governor Deal and Attorney General Olens:

We, the undersigned, are a broad coalition of disability, educational, mental health, child welfare, juvenile justice, civil rights, and parent and youth advocacy groups from across the state who have joined together around our shared concerns about the Georgia Network for Educational and Therapeutic Supports (GNETS) program. The GNETS is an outdated, statewide program that segregates students with behavior-related disabilities – in separate schools or in wings of local schools cordoned off from their peers without disabilities – and that denies them educational opportunities provided to other students. We fully agree with the July 15, 2015, letter from the U.S. Department of Justice (DOJ), concluding that the State’s operation of this program violates the Americans with Disabilities Act (ADA). **We urge the State to engage immediately with the DOJ and negotiate a settlement agreement, informed by stakeholders, that will address the unnecessary segregation and unequal education experienced by thousands of students across our state.**

As you are aware, the DOJ issued its letter after a comprehensive, multi-year investigation of Georgia’s educational system. DOJ found that “[t]he State’s support and development of GNETS has effectively created one placement option for many students with behavior-related disabilities to the exclusion of all others,” even though “the vast majority of students in the GNETS Program” could participate in general education classrooms in local schools if given appropriate services and supports. DOJ also described the inequality of educational opportunities for students in GNETS – an absence of grade-level instruction, computers instead of classroom teachers, and a lack of electives, extra-curricular activities, and access to gyms, libraries, and playgrounds.

We agree with the DOJ that “[n]early all students in the GNETS Program could receive services in more integrated settings, but do not have the opportunity to do so.” The State has allocated resources in a way that incentivizes placing certain students in GNETS’ segregated settings rather than offering needed support services in general educational classrooms at local schools.

It is not just the DOJ and stakeholders like us that have grave concerns about the GNETS program. **The State itself has concluded that the GNETS program is ineffective.** According to a 2010 report by the Georgia Department of Audits and Accounts, “Currently, the Georgia Department of Education cannot demonstrate that the services provided to students in the GNETS Program have resulted in improvements to behavior or academic performance.” Further, the report concluded the graduation rate, dropout rate, and post-secondary outcomes for GNETS students are significantly worse than the rates for other students with disabilities in Georgia.

We were extremely disappointed and concerned to read Georgia’s response to DOJ’s findings in the news media, that “Georgia is complying with the law and acting in the best interest of its students.” The State’s position is contrary to the experience of our coalition, who represent and interact with thousands of students with behavior-related disabilities, as well as the conclusions of the State’s own audit.

**We urge the State to reconsider its defense of an ineffective educational program that predates the ADA and is rooted in 40-year-old, rather than current evidence-based, educational practices, and instead to negotiate a settlement that leads to real and meaningful change.** Any settlement must require Georgia to implement systemic reforms that ensure an array of educational and school-based behavioral services are available to support students’ academic and social success in their local schools. The State must be held accountable for transforming the system in an ambitious, but reasonable, timeframe and committing the resources necessary for these changes. Stakeholders must inform all stages of this reform.

The prevailing paradigm of segregation, exclusion, and low expectations for students with behavior-related disabilities must end. We look forward to working with you and the DOJ on this important transformation of Georgia’s educational system. If you have any questions about this letter, please contact Leslie Lipson from the Georgia Advocacy Office at (404) 885- 1234 or Alison Barkoff from the Bazelon Center at (202) 747- 3668.

Sincerely,

American Civil Liberties Union of Georgia  
ARC of Georgia  
Autistic Self Advocacy Network  
Autistic Self Advocacy Network of Atlanta  
The Attachment & Trauma Network  
Autism Society of Georgia  
Barton Child Law & Policy Center at Emory University  
The Bazelon Center for Mental Health Law  
The Carter Center  
CETPA, Inc.  
Consortium of Education Civil Rights Attorneys

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disABILITY Link

Division of Behavioral Health in the Satcher Health Leadership Institute at Morehouse School of  
Medicine

Georgia Advocacy Office, Inc.

Georgia Council on Developmental Disabilities

Georgia Parent Support Network

Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)

Mental Health America of Georgia

National American Civil Liberties Union Disability Rights Program

Parent to Parent of Georgia

People First of Georgia

Southern Center for Human Rights