

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
TO ALL STUDENTS AND THEIR PARENTS OR GUARDIANS**

D.R. v. Michigan Dep't of Educ. et al., Case No. 16-cv-16-CV-13694-AJT-APP

**United States District Court for the Eastern District of Michigan
Hon. Arthur J. Tarnow
Hon. Mag. J. Anthony P. Patti**

In 2016, a putative class action lawsuit was filed against the Michigan Department of Education, the Genesee Intermediate School District, and Flint Community Schools (collectively, the “Defendants”) alleging violations of the rights of students who were eligible or who should have been found eligible for special education and related services. A settlement agreement has now been reached in the case. You are being provided notice of the settlement because this is a class action lawsuit that is being settled on behalf of all present and future children, ages 3 through 26, who resided in the City of Flint on or after April 2014 up until December 31, 2018, or who were on the City of Flint Water Supply on or after April 2014 up until December 31, 2018, or who were impacted by the Flint Water Crisis, and who require special education and related services. All members of this class have the right to object to the settlement. The federal judge presiding over this case may approve the settlement only after a hearing and a finding that it is fair, reasonable, and adequate.

Nature of the Case: The Plaintiffs alleged that the Defendants failed to provide required special education and related services to qualifying students, and that they further failed to apply necessary procedural protections in the administration of disciplinary practices, and unfairly discriminated against special education students. The Defendants deny these allegations.

General Description of the Settlement:¹ To avoid continued expensive litigation, the parties have agreed to a class settlement. This is not a class action for money damages. The plaintiff class sought to be certified pertains only to claims for injunctive and declaratory relief. The settlement will fully settle all class-wide injunctive and declaratory relief claims concerning Plaintiffs’ allegations. The material terms of the class settlement are summarized below:

¹ To the extent that this “General Description” or any part of the Notice conflicts with or contradicts the actual Settlement Agreement, the language in the Settlement Agreement controls.

- The State of Michigan will contribute at least \$9 million to establish the Flint Water Crisis Special Education Fund (“SEF”), which will be used to strengthen the services and supports that students with disabilities receive in school.
- The Genesee Intermediate School District will provide supplemental assistance to Flint Community Schools and other districts impacted by the Flint Water Crisis, including \$1 million for county-wide special education transportation and over \$1 million in staff and services for Flint Community Schools.
- The Genesee Intermediate School District will undertake a comprehensive assessment of preschool programs intended to ensure the delivery of high-quality, developmentally appropriate universal pre-school for all three- and four-year-olds in Flint.
- The Genesee Intermediate School District will review and make necessary modifications to its county-wide special education program plan. The current plan will be thoroughly reviewed, with community input, to ensure effective delivery of special education and related services to all Genesee County children with disabilities, as required by Michigan law.
- The Genesee Intermediate School District agrees to pursue a millage increase for special education and related services.
- The Defendants will continue to implement the partial settlement reached earlier in this case, which fully settled Plaintiffs’ claims arising from the Defendants’ “Child Find” obligations to identify all children with disabilities and provide comprehensive evaluations in all areas of suspected disability. That settlement established the \$4 million Neurodevelopmental Center of Excellence in Flint, which offers universal screening, and in-depth neuropsychological assessments when necessary, to all children impacted by the Flint Water Crisis. You can enroll your child for such testing at <https://www.genhs.org/NCE> or by calling (810) 496-5677.

For more information: To view the proposed class settlement agreement in its entirety, go to <https://www.aclumich.org/en/FlintEducationSettlement>. If you have additional questions, you may contact the ACLU of Michigan by emailing ktotten@aclumich.org or calling (269) 270-1278.

Process To Object: If you agree with the settlement, you do not need to do anything. The plaintiff class, which is defined as all present and future children, ages 3 through 26, who resided in the City of Flint on or after April 2014 up until December 31, 2018, or who were on the City of Flint Water Supply on or after April 2014 up until December 31, 2018, or who were impacted by the Flint Water Crisis, and who require special education and related services, will be bound by the settlement if it is approved by the Court. No class member will be permitted to opt out. However, any class member may object to the settlement and ask the Court to reject it. If you wish to object, you must follow the following instructions. Your objection must be in writing. It must contain your name and contact information, your child's name and school, and the reasons for the objection. The objection must be clearly marked "Objection to Class Action Settlement in *D.R. v. Michigan Department of Education*, Case No. 16-CV-13694-AJT-APP" and sent to the Clerk of the Court by mail to Theodore Levin United States Courthouse, 231 West Lafayette Blvd., Room 599, Detroit, MI 48226, or electronically using the temporary Pro Se Document Upload Program. All objections **must** be received by the Clerk of the Court 7 days in advance of the fairness hearing.

Fairness Hearing: The settlement will be approved by the Court only after a hearing and on finding that it is fair, reasonable, and adequate. The fairness hearing will be held virtually before the Honorable Arthur J. Tarnow, United States District Court Judge for the Eastern District of Michigan on **April 12, 2021 at 2:30 p.m. EST**. Since the hearing will be conducted virtually, you can attend by using the following Zoom link:

<https://www.zoomgov.com/j/1608592895?pwd=blpmTVILQkJveVJSenJpc0E2TFUwQT09>

Passcode: 556475 Or iPhone one-tap: US:
+16692545252,, 1608592895# or +16468287666,, 1608592895#.

The hearing will be open to the public, and those class members and their parents or guardians who file timely written objections will be permitted to speak.

This Notice Approved by Order of the Court
March 1, 2021

ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE