

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

Parents Leading for Educational Equity (PLEE), et al. v. Providence Public
School Department, et al. A. 23-cv-00301-MSM-PAS

ATTENTION:

FOR PARENTS AND GUARDIANS OF ALL CHILDREN WITH DISABILITIES
THREE TO FIVE YEARS OLD WHO ARE LIVING IN PROVIDENCE AND HAVE

Angélica Infante-Green, Commissioner of Education (together, “Defendants”), on behalf of two directly affected groups or subclasses, described below. The lawsuit was brought to obtain timely evaluations, eligibility determinations, and special education and related services for preschool students with disabilities who live or will live in Providence and for whom those have been delayed.

The case is titled *Parents Leading for Educational Equity (PLEE), et al. v. Providence Public School Department, et al.*, C.A. 23-cv-00301-MSM-PAS in the United States District Court for the District of Rhode Island. The proposed settlement is described in the Settlement Terms on page 5. The proposed settlement must be approved by the United States District Court. This notice includes information about the proposed settlement, and about a hearing scheduled by the Court to decide if the proposed settlement should be approved. This notice also describes the process to follow if you want to communicate with the Court.

On July 17, 2023, Plaintiffs filed this lawsuit alleging that Defendants had violated the Individuals with Disabilities Section Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. This lawsuit alleged that the Defendants had violated these federal laws by denying students with disabilities timely evaluations and eligibility determinations and timely special education and relate services.

After more than a month of litigation and negotiation, the parties have a Proposed Settlement. This notice provides a summary of the Proposed Settlement and the impact that the Proposed Settlement will have on your rights. If you do not understand the information in this notice, you should contact

APPEAR AT THE “FAIRNESS HEARING”	If you have filed a written comment or objection by October 20, 2023 and wish to speak to the Court, you may appear remotely (online) at the “Fairness Hearing” on November 2, 2023. See Questions 14 through 17 for more information.	November 2, 2023 at 10:00 am
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Case Information

1. What is the purpose of this Notice? This Notice is to explain the lawsuit, the proposed settlement, and your legal rights and your child's legal rights. Its purpose is to notify as many people as possible who will be affected by the settlement (people who are members of the two groups or subclasses).

2. What is this lawsuit about?

Those Who Are Included in the Proposed Settlement

5. Is my child part of the Class? According to the Court's order, there are two subclasses, both involving children with disabilities as defined by the IDEA between the ages of three and five who live or will live in the City of Providence, the Evaluation Subclass and the Services Subclass. Some children may be members of both subclasses while others are members of either the Evaluation Subclass or the Services Subclass. The Evaluation Subclass includes all identified children with disabilities under the IDEA, who, on or after July 17, 2023 are or will be denied timely evaluation and determination of eligibility for special education and related services. The

PPSD will establish and maintain at least one preschool evaluation team with meeting times on one weeknight and on Saturday by September 20, 2023 for the 2023-2024 school year, and report to the Court and the Plaintiffs if this goal has been achieved.

PPSD has already contracted with a provider, a company called Presence, to provide sufficient evaluation teams to eliminate the current backlog.

The backlog of evaluations will be considered to be solved when 95% of evaluations are being completed within the timeframes required by law or if no more than 10 children's evaluations are overdue at any given time.

For the Services subclass the Proposed Settlement requires:

Children whose IEPs require special education and related services five days a week will be placed in a five-day program and all program placements will be determined based on what is required in the IEP.

In integrated preschool classrooms, students with IEPs will receive the same number of days of programming as nondisabled peers in their classroom.

Any open classroom seats within the Rhode Island Pre-K program or PPSD's integrated preschool program will be prioritized for special education students;

No later than August 28, 2023, parents will be informed of the proposed school placement for their child for the 2023-2024 school year.

Until the backlog is eliminated, the Defendants must provide direct payment to qualified providers for the cost of qualified special education and related services at regional market rates.

The backlog of providing IEP placement and services will be considered to be solved when 95% of services are being provided within the timeframes required by law or if no more than 10 children's services are overdue at any given time.

For both Subclasses, the Defendants will pay for a court-appointed monitor who will provide a written report to the Court monthly starting October 1, 2023 and continuing through October 1, 2024.

8. What are the benefits of the Proposed Settlement? The benefits of the Proposed Settlement are (1) that Defendants are taking and will take steps to eliminate the backlog for the Evaluation Subclass, including hiring multiple additional evaluation teams to provide evaluations and eligibility and IEP meetings; and (2) the Defendants are taking and will take steps to provide special education placements and special education and related services to students who have been waiting for services so that they can receive services in the 2023-2024 school year.

The proposed agreement specifically preserves individual claims regarding the sufficiency of evaluations, eligibility determinations, individual education plans (IEPs), free appropriate public education (FAPE), placement, and claims for individualized compensatory education for

Supporting or Objecting to the Proposed Settlement

13. How do I tell the Court that I like or do not like the Proposed Settlement? You can tell the Court why the Proposed Settlement should, or should not, be approved. You may submit a written comment telling the Court that you like the Proposed Settlement and that you think it should be approved. You may also object to the Proposed Settlement by telling the Court that you do not like the Proposed Settlement and do not think it should be approved. The Court will consider comments and objections from Subclass Members. You are not required to submit any comments or objections.

To comment on or object to the Proposed Settlement, you must send a letter or email to the Clerk of the Court or have your attorney send a letter or email on your behalf. The letter or email must include the following information:

- your full name, mailing address, and email address where available;
- a statement that you are commenting on or objecting to the Proposed Settlement in PLEE v. PPSD 23-cv-0301-MSM-PAS;
- the factual and/or legal reasons for your comment on or objection to the Proposed Settlement;
- any documents supporting your comment or objection;
- whether you would like to speak at the Fairness Hearing (see Question 17 below); and
- your signature or that of your attorney,

The deadline to submit a comment or objection is October 20, 2023. You must mail or email your comment or objection to the Clerk of the Court so it is received no later than October 20, 2023.

Email: rid_ecf_intake@rid.uscourts.gov

Subject line: Re: PLEE v. PPSD23-cv-301, Fairness Hearing

Clerk of the Court
U.S. District Court for the District of Rhode Island
Federal Building and Courthouse
One Exchange Terrace
Providence, RI 02903

Please also provide a copy of your comment or objection by mail or email to counsel for Plaintiffs (esaideman@yahoo.com)

If you comment on or object to the Proposed Settlement, you should explain your reason for doing so. The Court may reject any comments or objections that it deems frivolous or that are made for an improper purpose. You are not required to submit a comment or objection. Class Counsel will still represent the collective interests of the Class, both the Evaluation Subclass and the Services Subclass. If you choose not to submit a comment or objection, you will waive your right to be heard individually at the Fairness Hearing on whether to approve the Proposed Settlement and any right of appeal that you may have. Anyone who wants to speak at the Fairness Hearing needs to notify the Court that they want to speak in their comment or objection. If you do request to speak at the hearing, you will be given information about how to appear over Zoom.

Fairness Hearing

14. What is the Fairness Hearing? The Fairness Hearing is a session of the Court during which the Court will hear arguments from the lawyers for the parties, and possibly from parents of Class Members (members of the Evaluation Subclass and/or the Services Subclass), on whether the Court should approve the Proposed Settlement. At this hearing, the Court will decide whether the Proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may or may not choose to hear testimony and receive additional evidence to help the Court make its decision.

After the Fairness Hearing, the Court will decide whether to approve the Proposed Settlement. There is no specific deadline for the Court to issue its decision.

15. When and Where will it Occur? The Fairness Hearing will take place on November 2, 2023 at 10:00 am by Zoom. If you want to speak during the hearing you have to request that in your written comment to the Court and you will be provided with a Zoom link. If you want to see the hearing but don't want to speak, you can get the Zoom link to watch the hearing, the week of the hearing, by going to <https://www.rid.uscourts.gov/public-access-telephonic-and-video-hearings>

16. Do I Have to Attend the Fairness Hearing? No. Class Counsel will answer any questions

17. May I Speak at the Fairness Hearing? You and/or your attorney may ask the Court's permission to speak at the hearing concerning the Proposed Settlement. To do so, you must send a notice that you would like to speak ~~October 20, 2023~~ ^{October 20, 2023}. The required information you need to provide if you want to speak at the Fairness Hearing is outlined in the answer to Question 13.

If You Do Nothing

18. What happens if I don't do anything? If your child is a Class Member, your child will be included in the Proposed Settlement if it is approved. See Question 9 for more information.

More Information

19. Where can I get more information? The terms of the Proposed Settlement are only summarized in this notice. For the precise and full terms and conditions of the Proposed Settlement, please see the Settlement Terms posted at the RIDE website: <http://ride.ri.gov/>, the PPSD website <https://www.providenceschools.org/> and the websites of the R. I. Center for Justice <https://centerforjustice.org/> and the ACLU of Rhode Island at <https://www.riaclu.org/>.

20. What happens after the Fairness Hearing? If the Court approves the Proposed Settlement, the Defendants will continue implementing the Settlement Agreement and the court-appointed monitor will continue providing monthly reports to the Court through October 1, 2024, unless extended by the Court or agreed by the parties. Children and their parents retain their rights to

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Please do not direct questions to the District Court or to counsel for the Defendants.