

BROWN GOLDSTEIN LEVY

FOR IMMEDIATE RELEASE

August 27, 2018



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Federal Court Holds that DC Must Provide IDEA Services to DC Residents in Federal Prisons

On Friday, August 24, Judge Randolph D. Moss of the United States District Court for the District of Columbia held that the District of Columbia (DC) is required to provide services under the Individuals with Disabilities Education Act (IDEA) to eligible DC residents who are incarcerated in federal facilities. This ruling is a significant victory for federal prisoners with disabilities, marking the first time a federal court has held that DC or any state retains its IDEA obligations to its residents who are in federal custody.

Under the federal Revitalization Act, DC residents who are convicted of felonies under local law, including youth convicted as adults, serve their sentences in federal facilities. Plaintiff Stephon Brown, a lifelong DC resident, was arrested at age 18 and sentenced to federal custody. Although Mr. Brown has been eligible for special education services since grade school, the District refused to provide for such services during his incarceration. As a result, Mr. Brown was deprived of vital support for his education and lost two years in his effort to obtain his high school diploma.

Judge Moss rejected the District's attempt to strand Mr. Brown in a special education No Man's Land, with both the District and the Federal Bureau of Prisons (BOP) disclaiming any responsibility to enforce the IDEA rights of individuals in federal custody. Rather than credit the District's "bald assertion that fulfilling its IDEA obligations in this circumstance would be impracticable," Judge Moss recognized "there is no basis for concluding that the Revitalization Act impliedly repeals . . . the District's obligations under the IDEA."

"There is now no doubt that youth with disabilities do not lose their right to a free and appropriate public education upon entering federal prison," said Jessie Weber from Brown, Goldstein & Levy. "We are eager to obtain the compensatory services to which Mr. Brown is entitled and to hold DC accountable going forward." Sarah Comeau of School Justice Project, who has represented Mr. Brown for five years, added, "This decision not only guarantees to Mr. Brown what he is entitled, but also ensures that so many of the District's students can now have the life-changing chance to finish high school, an opportunity that they have been denied for far too long."

Jessie Weber, Kobie Flowers, Abigail Graber, and Chelsea Crawford from Brown, Goldstein & Levy and Sarah Comeau of School Justice Project represent Mr. Brown in this case.

School Justice Project (SJP) is a special education legal services and advocacy organization in the District of Columbia dedicated to ensuring that older, court-involved students with disabilities receive a quality education, both during incarceration and throughout reentry. SJP uses special education law to increase access to education and community-based alternatives to incarceration for court-involved students ages 18-22. For more information, visit www.sjpdc.org.

Brown, Goldstein & Levy (BGL) is a 21-lawyer law firm with offices in Baltimore, MD and Washington, DC. BGL handles civil and criminal cases nationwide. Its attorneys have been listed in *Best Lawyers in America*, Maryland and Washington, DC *Super Lawyers*, and it has been awarded the Pro Bono Firm of the Year by the Maryland State Bar Association.

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