

PRESS RELEASE

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Complaint filed With State Department of Education against Fayette County Schools on behalf of students qualifying for special education

System fails to identify students with educational disabilities and punishes those with emotional and behavioral problems

LEXINGTON, Ky. – The Fayette County school system has violated federal law by harshly disciplining students with learning disabilities and failing to provide them with the services they need to succeed in the classroom, according to a complaint filed this week by the Children's Law Center on behalf of students in the district.

The 40-page class administrative complaint, filed with the Kentucky Department of Education (KDE), outlines a history of the district's failure to comply with federal and state laws pertaining to students with disabilities. This includes a failure to identify and evaluate students with disabilities for services they need to learn in the classroom. It also describes the inappropriate use of discipline, including an overreliance on suspension and alternative programs for students with disabilities.

The complaint aims to bring the school district into compliance with federal special education law and end the "school-to-prison pipeline" – the term used when students are pushed out of the classroom and into the juvenile justice system. It names 12 students who have been denied appropriate services by the Fayette County School Board, and addresses the class of "similarly situated" students throughout the district.

"The practices in this district seem to streamline the process for sending students along the 'school-to-prison pipeline' rather than ensuring their educational success," said Kim Brooks Tandy, executive director of the Children's Law Center. "The system needs to be overhauled and we look forward to an investigation by the Kentucky Department of Education."

The complaint calls for the appointment of an expert to evaluate aspects of the district's system regarding the identification, evaluation, education and discipline of students with disabilities. It also asks that KDE ensure that each of the students named in the complaint receives an evaluation, an individual education plan, and compensatory education to make up for lost services.

“Fayette County is just another example of the most vulnerable schoolchildren – those most likely to drop out – not getting the support they need in school, the support that is required under federal law,” said Ron Lospennato, director of the Southern Poverty Law Center’s School to Prison Reform Project. “These students need a helping hand in the classroom, but instead many of them are being pushed into the juvenile justice system.”

The SPLC is working closely with the Children’s Law Center as part of a national effort to help keep the most vulnerable children in school and out of the juvenile justice system.

Several of the named students in the complaint who attend Martin Luther King Academy for Excellence as an alternative program have spent years in this program with little hope of returning to regular school.

“We hope the district will see this as an opportunity to provide a more positive educational environment for its students with disabilities,” notes Rebecca Ballard DiLoreto, Litigation Director for the Children’s Law Center. “By improving disciplinary policies and creating positive behavioral supports, we believe the district will also see an increase in academic achievement among these students. These children are as much a part of our future as those who find educational success naturally, without additional assistance.”

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