

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NIKITA PETTIES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 95-0148 (PLF)
v.)	
)	
THE DISTRICT OF COLUMBIA,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

On consideration of the Parties' Joint Motion to Dismiss, Notice to Class, Fairness Hearing and Schedule, it is this 9th day of November, 2012,

ORDERED, that the motion is granted. The proposed dismissal is preliminarily approved pending further consideration at a fairness hearing.

The accompanying notice is approved. On or before November 15, 2012, the District of Columbia will (a) post the notice on its websites for the following District of Columbia agencies: Office of the Attorney General, Office of the State Superintendent of Education, District of Columbia Public Schools, District of Columbia Public Charter Schools Board, and (b) publish the notice in the *Washington Examiner* twelve times between November 15 and December 13, 2012, (c) post copies of the notice in all public schools, (d) distribute copies of the notice to all private schools that have a Certificate of Approval, with a request that the school distribute it to District of Columbia Students, and (e) deliver a copy of the notice home with students who ride District of Columbia school buses and other special education related service transportation. On

or before November 15, 2012, Plaintiffs will provide the notice via electronic mail to current service providers who provide special education and related services to class members.

A fairness hearing will be held on December 19, 2012 at 9:30 a.m. in Courtroom No. 29A.

SO ORDERED.

DATE: Nov. 9, 2012


PAUL L. FRIEDMAN
United States District Judge

Notice of Proposed Dismissal of Class Action in *Petties, et al. v. District of Columbia, et al.*, Civil Action No. 95-00148 (PLF), United States District Court for the District of Columbia. You are a member of the Plaintiff Class if you are:

- A District of Columbia student or a ward of the District of Columbia currently placed in private special education schools or receiving special education or related services from a private third-party provider;
- A District of Columbia student or a ward of the District of Columbia who receives transportation to school;
- A District of Columbia student placed in public school who currently is receiving related services from private providers; or
- A District of Columbia student who has been determined by an administrative decision or by agreement with the District of Columbia to be eligible to receive services from private providers (including private placements).

In 1995, a lawsuit was filed claiming that District of Columbia students who attended non-public schools or received services from private providers were at risk of losing their placements and/or services due to the failure of the District of Columbia to make timely payments to those schools and providers.

The parties have agreed that the District of Columbia has met its responsibility to make accurate and timely payments to providers of special education and related services and to provide special education students with safe and effective transportation to and from school.

With respect to payments, the District of Columbia has promulgated new regulations governing, among other things, rate-setting for special education services; invoicing mechanisms for private providers of special education and related services; and a payment dispute resolution mechanism through the District of Columbia Office of Administrative Hearings. With respect to transportation, the District of Columbia has put into place the institutional capacity, including the adoption of policies for vehicle safety and visibility, to provide on-time and safe transportation of special education children to and from school.

The parties also have agreed on the process to settle several other outstanding issues related to the lawsuit: (1) the parties will submit a joint proposal to the Court regarding the use of funds deposited in the Court Registry based on the District of Columbia's past failures to provide services required by law; the funds will be used to benefit class members; (2) if necessary, the Court will retain jurisdiction over the ten remaining cases that are pending before the Special Master or the Court, even after the case as a whole is dismissed; and (3) Defendants agree to pay attorneys' fees and costs to Plaintiffs' counsel, the

amount of which will be either negotiated between the parties or, if necessary, determined by the Court. In light of these considerations, the parties have agreed to dismiss the case.

To request more detail regarding the lawsuit, the proposed dismissal, your legal rights, and instructions for how to properly respond, you may contact University Legal Services, 220 I Street N.E., Suite 130, Washington, D.C. 20002, (202) 547-0198 or the Johnson Law Group Int'l, PLLC, 1321 Pennsylvania Avenue, S.E., Washington, D.C. 20003, (202) 544-1515.

CLASS MEMBERS HAVING OBJECTIONS TO THE PROPOSED DISMISSAL MUST SUBMIT WRITTEN OBJECTIONS TO THE COURT AND COUNSEL FOR THE PARTIES IN WRITING NO LATER THAN DECEMBER 13, 2012, AND MAY INCLUDE WITH THEIR OBJECTIONS A REQUEST TO BE HEARD AT A FAIRNESS HEARING.

Objections may be submitted in one of two ways: (1) through the Court's Electronic Case Filing system, or (2) by first class mail to the Court at the following address:

The Honorable Paul L. Friedman
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, D.C. 20001

If submitting objections by first class mail, the class member should write on the first page of the letter, in large or underlined letters: "Civil Action No. 1:95-cv-0148: Objections to Proposed Dismissal in *Petties v. District of Columbia*."

Copies of the objections must also be mailed at the same time, by first class mail, to:

Jennifer Lav
Counsel for *Petties* Plaintiffs
University Legal Services
220 I Street N.E., Suite 130
Washington, D.C. 20002

Chad Copeland
Counsel for the District of Columbia
D.C. Office of the Attorney General
441 Fourth Street, NW, 6th Floor South
Washington, D.C. 20001

The Court will decide whether to give final approval to the proposed dismissal at or after a **fairness hearing scheduled on December 19, 2012 at 9:30 a.m.** in Courtroom 29A of the United States District Court for the District of Columbia, William B. Bryant Courthouse Annex, 333 Constitution Avenue NW, Washington, DC 20001. If the Court decides to approve the dismissal, all Class Members will be bound by this decision.