



October 21, 2015

www.learningrights.org
Janeen Steel, Co-Executive Director & Co-Founder
janeen@learningrights.org
TELEPHONE (213) 489-4035

**Downey Unified School District Agrees to Pay \$250,000
to Plaintiff Who Alleged Disability Discrimination**

Los Angeles, CA- Plaintiff S.L. and Defendant Downey Unified School District have reached a settlement ending a two year legal battle in the case brought by S.L. alleging that that she faced disability discrimination at Downey High School. S.L., who has Epilepsy, alleged that the school failed to plan for and respond appropriately to her seizures, failed to accommodate her related academic needs, and excluded her from the school's competitive Jazz Choir.

On August 20, 2015, U.S. District Court Judge Dean Pregerson, ruled that Downey High School failed to plan for and appropriately respond to S.L.'s seizures during her first year of high school, finding that:

“[I]t seems obvious that if seizures occur suddenly and care must be rendered right away, the staff in closest proximity to the disabled student ought to know how to provide such care... Given that Defendant was on notice of Plaintiff's disability, and given the minimal effort that would have been needed to ensure teachers and staff could carry out the basic instructions in the prior-year [seizure] care plans, the Court concludes that summary judgment for Plaintiff is appropriate as to liability for failure to provide reasonable accommodation during and before Plaintiff's freshman year. . . .” Order re Motions for Summary Judgment at 15:10-12 and 16:6-13.

The case was set to go to trial for damages on that claim, and liability on the remaining claims on October 20th. On October 14th, Downey Unified School District agreed to pay \$250,000 to S.L. in order to settle the matter. The settlement also includes a separate amount to cover S.L.'s attorneys' fees.

As Plaintiff S.L. explains: “Nothing can bring back my high school years, and give me the same chances that other students had. But I hope that my case will raise awareness about epilepsy, and what schools need to do to respond. Every school will have students like me. Every school should be prepared for students like me. We all just want a fair shot at an education, and we want to feel safe at school.”

Janeen Steel, Director of Litigation and Advocacy at Learning Rights Law Center, and one of S.L.'s attorneys in the case says, “In light of this case, every school administrator should be asking themselves: Are we prepared for when a student has seizures? Do we have plans in place and is our staff trained? If the answer is not an unequivocal yes, then they need to start planning today.”

According to Shawna L. Parks, lead trial counsel on the matter, “Had the school been responsive to begin with, this entire case could have been avoided. Training for seizure

response is so critical, but also so simple. Schools need to act now to protect our children who have this condition.”

Steven Wyner of Wyner Law Group, PC, who was also co-counsel for plaintiff, commented: “The amount to be paid by Downey Unified School District to settle is not the only significant aspect of this case. It also confirms that students with a physical or mental impairment that substantially limits their ability to learn, read, concentrate, think or communicate, can seek relief directly in federal court, after having been denied eligibility under the IDEA.”

S.L. and her mother, who served as the guardian ad litem in the lawsuit, want to spread the word about how important seizure response is and that people with epilepsy still face discrimination based on fear and misunderstanding. Seizures are more pervasive than most people know. According to the Center for Disease Control, 1 in every 26 people will have a seizure at some time in their life. Having seizure response protocols in place at schools and workplaces is key to teachers, administrators and employees knowing what to do, and helping minimize the impact on the individual and those around them. There are a variety of tools, including posters and training kits that can educate the public on basic seizure first aid. The Epilepsy Foundation has many resources and can also provide trainings. Visit www.epilepsy.com for more information.

CONTACT INFO

Janeen Steel

Learning Rights Law Center
205 S. Broadway, Suite 808
Los Angeles, CA 90012

Phone: (213) 489-4035
Fax: (213)489-4033
e-mail: janeen@learningrights.org

Shawna Parks

Law Office of Shawna L. Parks
4470 W Sunset Blvd, Ste. 107- 347
Los Angeles, CA 90027

Phone: (323) 389-9239
Fax: (323) 389-9239
e-mail: sparks@parks-law-office.com

Steven Wyner

Wyner Law Group, PC
20655 S. Western Avenue, Suite 105
Torrance, California 90501

Phone: (310) 961-2877
Fax: (310) 533-8099
e-mail: swyner@specialedlaw.org

ABOUT THE LAWYERS

Plaintiff in this case is represented by Learning Rights Law Center, the Law Office of Shawna L. Parks and Wyner Law Group, PC.

Learning Rights Law Center seeks to achieve education equity for low income and disadvantaged students in the public education system in the greater Los Angeles area. Learning Rights changes the lives of at risk students who have disabilities, face discrimination or are involved in the dependency or juvenile justice systems by providing free legal services, education advocacy, and community training. www.learningrights.org

The Law Office of Shawna L. Parks is a private law firm focused on civil rights, disability rights and education matters. It focuses on cases that have an impact beyond the individual plaintiff – ones that will set standards and affect change on a broader scale. The office strives to provide innovative and creative approaches to legal representation while vigorously defending the rights of individuals and groups facing discrimination. www.parks-law-office.com

Wyner Law Group, PC is a private law firm that represents children with disabilities in special education that fail to comply with the Individuals with Disabilities Education Act ("IDEA"), and civil rights litigation with school districts and other public agencies. Its goal is to assist special needs children by securing for them a "free appropriate public education" in the "least restrictive environment" under the IDEA, and by securing reasonable accommodations and money damages under federal and state civil rights laws. www.specialedlaw.org