

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 NICK O., by his mother, and Guardian ad)
4 Litem, JANE O., on behalf of himself)
5 and all others similarly situated ,)
6)
7 Plaintiff,)

8 v.)

9 C.A. TERHUNE, in his official capacity)
10 as Director of the California Youth)
11 Authority; RICHARD TILLSON, in his)
12 official capacity as Superintendent)
13 of the Northern Reception Center -)
14 Clinic,)

15 Defendants.)

Case No. CIV
S-89-0755-RAR-JFM
NOTICE OF PROPOSED
SETTLEMENT OF CLASS
ACTION LAW SUIT AND
OPPORTUNITY TO
PRESENT OBJECTIONS

16 Important Notice to all Wards of CYA Institutions:

17 On May 25, 1989 a lawsuit was filed in federal court against
18 the California Youth Authority. The lawsuit was brought by a
19 youth confined at CYA on behalf of himself and all other youth at
20 CYA in similar situations. The lawsuit claims that CYA fails to
21 identify youth who need special education. It also claims that
22 CYA does not give these youth adequate programs to meet their
23 needs. CYA denied that these claims were true.

24 On 2/15, 1990 a proposed settlement of this lawsuit
25 was filed with the federal court. The court is going to decide
26 whether this proposed settlement should become a final order of
the court. The settlement will not become final until wards at
CYA have a chance to object in writing. The purpose of this
notice is to summarize the proposed settlement and to explain how
residents of CYA may let the court know if they have any
objections.

1 I. Summary of the Settlement

2 A full copy of the proposed settlement is available at each
3 CYA institution. Generally, the proposed settlement includes the
4 following terms:

5
6 1. The settlement applies to all residents (wards) of CYA
7 who are "educationally handicapped" or who are "individuals with
8 exceptional needs". These are legal terms with specific
9 meanings. In general, if you are a resident of CYA and you have
10 a learning disability, a serious emotional problem, a speech or
11 vision problem, a health impairment, a physical or mental
12 handicap, or some other similar problem that hinders your ability
13 to learn, then you are probably part of the group of youth this
14 lawsuit will affect. This group of CYA residents is called a
15 "class" in the settlement. The word "class" will be used in the
16 rest of this notice.

17
18 2. CYA agrees that all class members have a right to
19 special education and related services.

20
21 3. CYA agrees to promptly identify all wards who may need
22 special education services.

23
24 4. CYA agrees to fully assess the educational needs of
25 everyone who is or may be a class member.
26

1 5. For all class members, CYA agrees to develop an
2 Individual Education Program (an IEP) that will explain what
3 programs or services the ward needs.

4
5 6. CYA agrees to provide each class member with the special
6 education and related services described in the IEP. "Related
7 services" include such things as speech and hearing services,
8 physical and occupational therapy, psychological and counseling
9 services, and other supportive services needed to help class
10 members benefit from special education.

11
12 7. CYA agrees that it will hire or contract with as many
13 teachers or other people as needed so that all class members get
14 the special education and related services that they need.

15
16 8. CYA agrees to follow all procedural requirements to
17 protect the legal rights of class members and their parents.

18
19 9. The settlement sets up a system to make sure that CYA
20 does everything that they agreed to.

21
22 10. The settlement will be in effect for three years. It
23 may be extended if CYA does not do what it agreed to.

24
25 11. The Court can give the lawyers for the boy who sued CYA
26 attorneys' fees for the work that they did on this lawsuit.

1 If you have any questions about this settlement you may ask to
2 see a copy of the full settlement at CYA. You may also write or
3 call the attorneys who sued CYA. You should contact: Loren
4 Warboys or Sue Burrell, Youth Law Center, 1663 Mission Street,
5 5th Floor, San Francisco, CA 94103 (415) 543-3379.

6
7 II. How to file objections

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9 Any resident of a CYA institution may file objections to the
10 proposed settlement. Any objections must be in writing. You may
11 mail your objections to the attorneys for the plaintiffs at the
12 following address:

13 Loren Warboys
14 Sue Burrell
15 Youth Law Center
16 1663 Mission Street, 5th Floor
17 San Francisco, CA 94103

18 These objections must be mailed no later than 3/17, 1990.

19 The lawyers for the plaintiffs will collect any such objections
20 and give them to the Court and to the lawyers for CYA. If, for
21 any reason, you do not want CYA to know about all or part of your
22 letter, you must clearly say this in your letter, and your
23 identity will not be revealed to CYA.

24 The Court will review all objections from residents of CYA.
25 It will then decide whether the proposed settlement should become
26 a final order.

Dated: 2/15, 1990.

Charles R. Weiser

United States District Court Judge/Magistrate