

Department of Justice
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**Large Network of Private Schools Pays \$215,000 to Settle
Lawsuit Alleging Discrimination Against Children with
Disabilities**

WASHINGTON – The Justice Department today announced the settlement of a lawsuit filed to enforce the Americans with Disabilities Act (ADA) against Nobel Learning Communities, Inc. (NLC), a private, for-profit entity that operates a nationwide network of more than 180 preschools, elementary schools and secondary schools. These entities operate in the District of Columbia and in 15 states (Arizona, California, Florida, Illinois, Maryland, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia and Washington) under a variety of names, including Chesterbrook Academy, Merryhill School and Evergreen Academy, among others.

In its lawsuit, filed in April 2009 in the Eastern District of Pennsylvania, the Justice Department alleged that NLC violated Title III of the ADA by excluding from its programs children with disabilities, including some children with autism spectrum disorder, Down Syndrome, Attention Deficit Hyperactivity Disorder, and global developmental delays. NLC denies the allegations.

“It is illegal under the ADA to discriminate against children with disabilities. Just like public schools, private schools must make reasonable modifications of policies to permit children with disabilities to participate fully in the programs they offer,” said Assistant Attorney General Thomas E. Perez. “This agreement ensures that children will not be denied quality preschool and other educational opportunities based upon their disabilities.”

U.S. Attorney for the Eastern District of Pennsylvania, Zane David Memeger, noted, “no child should be discriminated against on the basis of disability. All children should have an equal opportunity to attend any school for which they qualify, and schools must make reasonable modifications to policies, practices or

procedures in accordance with the law.”

Key provisions of the Settlement Agreement include the following:

- **Disability Non-Discrimination Policy:** NLC has adopted and will implement a formal policy to ensure that it will operate its programs, facilities, and services in a non-discriminatory manner to comply with Title III of the ADA.
- **Publicity:** NLC will publicize the Disability Non-Discrimination Policy to its principals, teachers, and other staff at all facilities in the NLC network. The policy will be posted on NLC’s website and member schools’ websites. Paper copies of the policy will be available to any person upon request.
- **Monetary Relief:** Upon receipt of appropriate releases, NLC has agreed to pay \$215,000.00 collectively to the children referred to in the United States’ First Amended Complaint.
- **Commitment to Avoid Unnecessary Inquiries:** In accordance with the requirements of the ADA, NLC will not make unnecessary inquiries into the existence of a disability or impose or apply eligibility criteria that screen out or tend to screen out students with disabilities from the full and equal enjoyment of NLC’s goods, services, facilities, privileges, advantages, or accommodations.
- **Reasonable Modification Requests:** NLC will, among other things, engage in a process to consider requests from a student’s parent(s)/guardian(s) for reasonable modifications of NLC’s programs and services when such modifications are necessary to afford NLC’s programs and services to students with disabilities, unless NLC can demonstrate that making such modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations at issue.
- **Appointment of an ADA Compliance Officer:** NLC will designate a person who is knowledgeable about the ADA and its implementing regulations, and who will communicate with parents/guardians on decisions regarding requests for reasonable modifications. In addition, (s)he will review (for compliance with the Disability Non-Discrimination Policy) all decisions not to enroll a student with a disability, or to disenroll a student with a disability.

- **Training:** At specified periods during the term of the settlement agreement, NLC will train its regional executives, principals and assistant principals on the content of the Disability Non-Discrimination Policy and the terms and conditions of the settlement agreement. NLC will also require all of its teachers and assistant teachers to read the policy and report requests for reasonable modifications to appropriate NLC personnel.

- **Reporting and Tracking:** NLC will track and report to the United States, at one year and at 18 months from the effective date of the settlement agreement, information including the number of applicants with disabilities and their ultimate enrollment status, as well as the number of requests received on behalf of applicants and current students for reasonable modifications (and whether the modifications were provided).

Those interested in learning more about federal disability rights statutes can call the Justice Department's toll-free ADA information line at 800-514-0301, 800-514-0383 (TTY) or access the ADA website at www.ada.gov .