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Federal court: Claims for mistreatment of youth at Glen Mills Schools will move forward

Today, Judge Bartle of the U.S. District Court of the Eastern District of Pennsylvania issued an [opinion](#) and [order](#) allowing nearly all of the claims in the [Derrick et al. v. Glen Mills Schools et al.](#) class action to move forward.

The Education Law Center, Juvenile Law Center, and Dechert LLP filed the [class action lawsuit](#) last April over the horrific abuse, lack of medical care, lack of adequate education, and culture of intimidation and violence that boys suffered at Glen Mills Schools, a residential facility located in Delaware County, Pennsylvania. Over the summer, multiple defendants asked the court to dismiss the claims filed. Education Law Center, Juvenile Law Center, and Dechert, LLP filed briefs in opposition.

Today's ruling means the suit will move forward with virtually all its claims, including claims over the abuse and lack of medical treatment, deprivation of education, and disability discrimination. The case will proceed against all defendants, including top officials at the Pennsylvania Department of Human Services and the Pennsylvania Department of Education who were responsible for licensing, overseeing, and regulating Glen Mills with regard to the safety, welfare, and education of youth.

One reason the court's decision is significant is because it upheld the right of youth in the juvenile justice system to receive an appropriate and meaningful education. Plaintiffs will be able to seek compensatory education services in addition to monetary damages.

Importantly, the court specifically upheld the right of children with disabilities to receive an individualized program of special education services and to be free from discrimination and abuse based on their disabilities. Students can continue to pursue their claims that they were harmed by a systemic and wholesale failure to provide special education services to potentially hundreds of minors placed at Glen Mills.

"We are very pleased with the court's ruling today," said Maura McNerney, legal director of the Education Law Center. "By allowing the education-related claims to move forward, the court recognized the clear responsibility of the Pennsylvania Department of Education, Chester

County Intermediate Unit, and Glen Mills Schools to be held accountable for the deprivation of an education to youth who were forced to languish in an inferior computer-based credit recovery program or denied any high school education at all. “

“This is the right decision for youth. There must be a path to a remedy for the physical, emotional, and educational harm youth suffered – all of which have lifelong consequences,” said Kate Burdick, senior attorney at Juvenile Law Center. “We look forward to moving this case forward in order to hold Glen Mills and state officials accountable.”

“We are happy to be partnering with the Education Law Center and Juvenile Law Center in this critically important lawsuit,” said Dechert partner Michael McGinley. “Abuse of children by anyone is intolerable – that it occurred at the hands of officials charged with protecting our youth is especially abhorrent. We are pleased that this lawsuit will go forward to address the harms suffered by the students at Glen Mills.”

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness. For more information, visit elc-pa.org.

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children’s unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center’s work, visit www.JLC.org.

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