

Montgomery Public Schools Discriminate against Children with Mental Illnesses, Say Legal Filings by Alabama Disabilities Advocacy Program and Bazelon Center

Montgomery, AL – May 31, 2011 – On behalf of Montgomery school children, the Alabama Disabilities Advocacy Program (ADAP), the Judge David L. Bazelon Center for Mental Health Law, and the Law Offices of Sears & Sears, PC, filed three complaints today with the Alabama State Department of Education, citing systemic failures by Montgomery Public Schools to educate children with emotional disturbance. These failures constitute violations of federal civil rights laws prohibiting discrimination against people with disabilities.

"These students—and many more like them in Montgomery Public Schools—are children with hopes and dreams, and talents and interests, just like other children. We all lose when the school district doesn't work with families to cultivate the potential of our young people," said Nancy Anderson, an ADAP attorney. "Schools have a responsibility to teach all of their students – not just some of them."

According to the complaints, Montgomery schools fail to identify, and provide mental health services to, children with emotional disturbance who are entitled to special education and other services under federal civil rights laws. Nearly 32,000 children are enrolled in Montgomery Public Schools, but the district has identified only 85 students as qualifying for special education services for this reason.

Rather than provide necessary services, these schools often punish children for conduct related to their disabilities and push these students out -- to "alternative schools," the juvenile justice system, or home. Montgomery schools also fail to train teachers and administrators in how to help these students learn, the complaints state.

James Tucker, legal director for ADAP, explained, "We asked the district to work with us to resolve these failures regarding educating children with emotional disturbance. Unfortunately, they were not interested in collaborating to address these urgent problems."

"The law is specific about the services schools must provide so that children with emotional disturbance receive an education," stated Ira Burnim, legal director for the Bazelon Center for Mental Health Law. "Montgomery schools fail miserably in providing the services these children need to learn," said Burnim. "Instead of educating these children, Montgomery schools push them out of the neighborhood schools and into the juvenile court. Out of sight, out of mind."

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Located in Tuscaloosa, the Alabama Disabilities Advocacy Program (ADAP, www.adap.net) is part of the nationwide federally funded protection and advocacy (P&A) system. ADAP's mission is to provide quality, legally based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights. ADAP's vision is one of a society where persons with

disabilities are valued and exercise self-determination through meaningful choices, and have equality of opportunity.

The Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with psychiatric or developmental disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

The Law Offices of Sears & Sears, in Birmingham and Mobile, Alabama, represents clients throughout Alabama in education law, criminal defense, juvenile law, and personal injury and insurance claims.

[Click here to read a redacted complaint.](#) For more information or to speak to an expert from ADAP or the Bazelon Center on this issue, contact James Tucker, at jtucker@adap.ua.edu or 205.310.5906, or Dominic Holt, at [Dominic @ bazelon.org](mailto:Dominic@bazelon.org) or 202.467.5730, ext. 311.