

Advocates Take Montgomery Public Schools Complaint to Next Level, U.S. Department of Justice

Washington, D.C. – August 9, 2011 – On the heels of the 21st anniversary of the Americans with Disabilities Act (ADA), the Alabama Disabilities Advocacy Program (ADAP-Bazelon Montgomery DOJ Complaint Press Release) and the Judge David L. Bazelon Center for Mental Health Law have filed a discrimination complaint with the U.S. Department of Justice's Civil Rights Division against the Montgomery Public Schools (MPS) in Alabama. According to the complaint, MPS fails to educate children with emotional disturbance, in violation of the ADA and other federal laws prohibiting discrimination against people with disabilities.

"Students with emotional disturbance have talents and interests, and deserve an excellent education, just like all children," said Nancy Anderson, an ADAP attorney. "MPS is responsible for teaching all of its students, not just some of them."

In May, ADAP and the Bazelon Center filed complaints with the Alabama State Department of Education on behalf of three individual MPS students with emotional disturbance. Like the May complaints, the July complaint filed with the U.S. Department of Justice alleges that MPS fails to identify, and provide mental health services to, students with emotional disturbance. Rather than provide necessary services, MPS punishes these students for conduct related to their disabilities, and pushes them out – to "alternative" schools, to jail, or to drop out from school altogether.

"We've had the ADA for over two decades, but Montgomery students with disabilities still aren't getting the services they need to stay in school," Lewis Bossing, senior staff attorney at Bazelon, said. "We're losing scores of talented students who need extra help to get the education they need and deserve."

ADAP and the Bazelon Center expect the Department of Justice to investigate the complaint against MPS over the coming months.

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