

Under New Agreement, Montgomery Public Schools Will Work to Provide Better Services to Children with Mental Illnesses

Montgomery, AL – November 28, 2011 – Under a settlement agreement announced today that resolves complaints filed on behalf of Montgomery families by the Alabama Disabilities Advocacy Program (ADAP), the Judge David L. Bazelon Center for Mental Health Law, and the Law Offices of Sears & Sears, PC, the Montgomery Public Schools will take significant steps to provide more effective services to students with emotional disturbance.

Under the agreement, Montgomery Public Schools (MPS) will hire a nationally-known expert in children's mental health, Narell Joyner of Charlotte, North Carolina, to work with MPS teachers and administrative staff to evaluate how MPS identifies and plans for students with emotional disturbance, and to identify available resources MPS can access to better serve these students. Ms. Joyner will also make recommendations for how MPS might improve and fund its programs serving students with emotional disturbance, and help MPS implement her recommendations.

"There are hundreds of Montgomery students with disabilities who need some additional help to reach their academic potential and lead independent and successful lives in their communities," stated James Tucker, legal director for ADAP, lead counsel for the parents who filed complaints against MPS. "We think Montgomery Public Schools can do an excellent job of educating these students, and Narell Joyner is just the person to help get the schools to where they need to be."

The parents' complaints, which were filed in May with the Alabama State Department of Education, alleged that MPS systemically failed to identify, and provide mental health services to, children with emotional disturbance in violation of federal and state civil rights laws. Instead, MPS often punishes these students for conduct related to their disabilities and pushes them out to "alternative schools" or to the juvenile justice system.

"We're so happy that MPS has taken this opportunity to work with us to improve how it serves students with emotional disturbance," said ADAP Attorney Nancy Anderson. "When schools work with families to figure out what kids need to succeed, everyone wins."

The families' advocacy efforts were also assisted by Schulte Roth & Zabel LLP, which, as part of its pro bono legal program, worked with ADAP and the Bazelon Center for Mental Health Law to pursue the relief achieved in the settlement agreement. "Schulte Roth & Zabel is pleased to partner with the Bazelon Center on its mission of advancing policy to aid people with mental disabilities," said Howard Schiffman, a partner in Schulte Roth & Zabel's Washington, D.C., office and co-chair of the firm's Litigation Group. "We are hopeful that this agreement will help enable MPS both to improve the education and prospects of children with mental illnesses in Montgomery and also to serve as an example of effective education services for school districts nationwide."

#

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.

Schulte Roth & Zabel LLP is a multidisciplinary firm with offices in New York, Washington, D.C., and London. A leading law firm serving the financial services industry, Schulte has also provided pro bono legal and business advice to numerous nonprofit organizations that serve people in need throughout the world. In 2006, the Louisiana Bar Association honored Schulte for prevailing in a lawsuit against the Federal Emergency Management Administration (FEMA), keeping more than 150,000 families in hotel shelters after Hurricane Katrina destroyed their homes.

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 or 202.467.5730, ext. 311.