

Judge David L.

BAZELON CENTER

for Mental Health Law

NEWS

Motion Filed to Settle DC Special Education Lawsuit

WASHINGTON, DC (Sept. 5, 2003) – Lawyers representing special education students and attorneys for the District of Columbia yesterday filed a motion in federal court that would set the stage for dramatic improvements in the District’s special education services.

“There’s a long road ahead of us yet, but today’s action is an important step toward improving education services for thousands of children in the District,” said Tammy Seltzer, a staff attorney for the Bazelon Center for Mental Health Law.

Today’s motion requests preliminary court approval of a consent decree for *Blackman et al. v. District of Columbia, et al.*, a 1997 class action lawsuit where the District of Columbia was found to have violated the Individuals with Disabilities Education Act (IDEA), a federal law that guarantees children with disabilities the right to a free and appropriate public education.

The agreement outlines the District’s commitment to reforms that would improve timely access to special education in the District, including:

- Eliminating the backlog of students waiting for special education hearings and reducing the wait-time between the Hearing Officers’ orders for special education services and the provision of services;
- Improving and maintaining the District’s special education data management system and developing an encounter tracker to identify and address related service lapses;
- Providing compensatory education services to eligible special education students whose access to services has been delayed;
- Revising principal and teacher evaluations to elevate the importance of special education for all DC Public Schools staff; and
- Requesting the Court to appoint a monitor/expert to oversee compliance of the consent decree.

The agreement would also require the District to follow the actions detailed in an implementation plan based on the results of an independent assessment of the District’s special education services.

As Alisa Reff, counsel at Drinker Biddle & Reath, the pro bono law firm assisting the Bazelon Center, noted, “There are currently over 1,400 special education hearing decisions and settlement agreements that are overdue for implementation—that means services and supports for children that have been ordered or

agreed to have not been provided in a timely manner. The consent decree is designed to assist these children and prevent similar backlogs from occurring in the future.”

“If implemented correctly, the consent decree will help ensure that children with disabilities can access the services that they’re entitled to under federal law without always having to resort to litigation against the school system,” continued Charles Moran, a private attorney for the children who filed the initial complaint.

The proposed consent decree awaits initial approval by the U.S. District Court. If initially approved, the Court will begin the process for final approval, which requires holding a hearing on the agreement so class members can comment on the proposed settlement.

The children are represented by the Bazelon Center for Mental Health Law, Drinker Biddle & Reath and attorney Charles Moran.