

Bazelon Joins in Lawsuit Charging Pasadena Schools Discriminate Against Students with Mental Health Disabilities

February 16, 2016 – Students with mental health needs are denied an equal education as a result of their placement in a segregated school operated by the Pasadena Unified School District (PUSD), according to a class action lawsuit filed in federal court in Los Angeles by the Bazelon Center for Mental Health Law and co-counselors.

The complaint charges that PUSD and its superintendent are violating the Americans with Disabilities Act (ADA) by warehousing scores of children with mental health needs at PUSD's Focus Point Academy, a separate school where students receive an inferior education and are subjected to dangerous physical restraints, forced isolation, threatened and repeated arrests, and suspensions for minor offenses.

"These students can be educated successfully in Pasadena's neighborhood schools with reasonable modification of school programs and effective school-based behavior services," Bazelon Center Legal Director Ira Burnim said. Such services include a school-based behavior intervention plan that relies on positive supports; training for teachers, staff, and parents; and coordination with non-school providers.

"Focus Point is exclusively for students with mental health needs. But they don't need to be there," said Candis Bowles, Managing Attorney at Disability Rights California, which brought the lawsuit along with the Bazelon Center, Mental Health Advocacy Services (MHAS) of Los Angeles and the global law firm Morrison & Foerster LLP.

James Preis, Executive Director of MHAS, added: "These students can be educated successfully in Pasadena's neighborhood schools with reasonable modification of school programs and effective school-based behavior services."

The lawsuit was brought by six current and former Focus Point students, on behalf of a class of scores of other PUSD students, who say they did not receive individualized behavior services, did not get to participate in extracurricular activities and elective classes like music, art, and sports, and received an education that was inferior to that offered to students without disabilities in PUSD schools.

The complaint asks that PUSD provide the students with school-based supports and instruction in PUSD schools alongside students without disabilities.

"These children face serious challenges, but they can have success in school and in adult life with the right educational supports and opportunities," said Robert Stern of Morrison & Foerster. "We hope this lawsuit will get them the supports they need and are entitled to."

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The Judge David L. 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, emotional, developmental, or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

With offices across the state, Disability Rights California (DRC, www.disabilityrightscalifornia.org) is part of the nationwide federally funded protection and advocacy (P&A) system. DRC's mission

is to advocate, educate, investigate, and litigate to advance and protect the rights of Californians with disabilities. DRC's vision is one of a barrier-free, inclusive, diverse world that values each individual and voice, and where all people with disabilities enjoy the power of equal rights and opportunities, dignity, choice, independence, and freedom from abuse, neglect, and discrimination.

Mental Health Advocacy Services, Inc. (MHAS, www.mhas-la.org) is a private, non-profit organization established in 1977 to provide free legal services to people with mental disabilities. MHAS assists both children and adults, with an emphasis on obtaining government benefits and services, protecting rights, and fighting discrimination. MHAS participates in impact litigation in an effort to improve the lives of people with mental disabilities.

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