

Bazon 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 Bazon Center for Mental Health Law and co-counsels.

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," Bazon 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 Bazon 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."