

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

New Agreement Mandates Sweeping Changes in D.C. Special Education

December 13, 2007—District of Columbia officials announced that the city will make sweeping changes in its special education program to comply with a new consent decree in a 10-year-old class action, *Blackman & Jones v. District of Columbia*. When approved by the court, the decree will require the school system to address the needs of hundreds of students with mental or physical disabilities who await services.

Under a 2006 settlement in the Blackman case, the city had agreed to eliminate a backlog of more than 1,000 decisions by hearing officers on students' placement in special education programs. However, the school system has repeatedly missed deadlines to comply with the consent decree.

The new decree will commit the city to more than \$6 million worth of programs, including additional mental health services, more nationally recognized models for helping students with disabilities in the classroom and more support for parents.

"It's a very thoughtful approach," said Bazelon Center legal director Ira Burnim, lead attorney for the plaintiffs. "But given the history of this case, it's hard not to be skeptical whether these good intentions will actually come to fruition."

The Washington Post's coverage of the announcement noted that special education has long been a problem for the District. Because the school system has failed to provide adequate services, parents of special needs students increasingly have sought help from administrative hearing officers, who often order the system to place the students in expensive private schools.

The school system spends more than \$100 million annually on tuition for more than 2,000 special education students to attend private schools.

"For too long, the District has spent too much money with no results for special education kids," the Post quoted Peter Nickles, general counsel and senior adviser to D.C. Mayor Adrian Fenty. "This agreement is a reflection of the vision of this administration . . . to improve and fix special education."

The agreement calls for the system to:

- devise a way by early 2008 to reduce the backlog of students waiting to receive services and to hire more staff to get the job done;
- develop a program to speed the implementation of special education students' individual education plans;
- establish pilot schools featuring programs recognized for boosting special education students' achievement; and
- try to reduce the number of students in private schools.