

Advocates Take Montgomery Public Schools Complaint to Next Level, U.S. Department of Justice

Washington, D.C. – August 9, 2011 – On the heels of the 21st anniversary of the Americans with Disabilities Act (ADA), the Alabama Disabilities Advocacy Program (ADAP-Bazon Montgomery DOJ Complaint Press Release) and the Judge David L. Bazon Center for Mental Health Law have filed a discrimination complaint with the U.S. Department of Justice’s Civil Rights Division against the Montgomery Public Schools (MPS) in Alabama. According to the complaint, MPS fails to educate children with emotional disturbance, in violation of the ADA and other federal laws prohibiting discrimination against people with disabilities.

“Students with emotional disturbance have talents and interests, and deserve an excellent education, just like all children,” said Nancy Anderson, an ADAP attorney. “MPS is responsible for teaching all of its students, not just some of them.”

In May, ADAP and the Bazon Center filed complaints with the Alabama State Department of Education on behalf of three individual MPS students with emotional disturbance. Like the May complaints, the July complaint filed with the U.S. Department of Justice alleges that MPS fails to identify, and provide mental health services to, students with emotional disturbance. Rather than provide necessary services, MPS punishes these students for conduct related to their disabilities, and pushes them out – to “alternative” schools, to jail, or to drop out from school altogether.

“We’ve had the ADA for over two decades, but Montgomery students with disabilities still aren’t getting the services they need to stay in school,” Lewis Bossing, senior staff attorney at Bazon, said. “We’re losing scores of talented students who need extra help to get the education they need and deserve.”

ADAP and the Bazon Center expect the Department of Justice to investigate the complaint against MPS over the coming months.