

Case Almost Closed

Settlement of 26-year-old lawsuit against city school district expected to relieve some administrative burdens

By **Edward Ericson Jr.** | Posted 3/17/2010

Flanked by city and state politicians and lawyers from the Maryland Disability Law Center, Baltimore City Public School Superintendent Andrés Alonso announced last week that a 26-year lawsuit against the school district is all but settled. He did this by saying it was anything but settled.

"There is no such thing as an end," Alonso said during a well-promoted press conference in front of the federal courthouse on Monday, March 8. "There is still a lot of work to be done."

Alonso was making good--almost--on a promise he made a year ago, when he said that the lawsuit, captioned *Vaughn G. et. al. v. The Mayor and City Council of Baltimore*, would be over by 2011--when Alonso's contract is up. In fact, the settlement agreement signed just moments before the press conference will end the lawsuit on Sept. 15, 2012. But only if everything goes exactly according to plan.

The case was filed in 1984 when the Maryland Disability Law Center, a non-profit that functions as the state's advocate for disabled people, found that city students were not getting the services they were entitled to under the Individuals with Disabilities Education Act (IDEA), the federal law passed in 1975 that guarantees students with disabilities an appropriate free education.

In practice, students are supposed to be assessed and, if found to have a disability, provided an individualized education plan (IEP for short) within certain time limits. Baltimore, like a lot of jurisdictions, was failing in this. For decades, the two sides couldn't even agree on why it was happening, says Leslie Margolis, a lawyer for the Maryland Disability Law Center who litigated the case on behalf of the plaintiffs for more than 20 years.

"They would kind of repeatedly say money was not the problem," Margolis says. "At the time, they couldn't even count the system's special education kids."

Federal judges put the school system under strict monitoring and required it to document everything it did. At the press conference, Gov. Martin O'Malley alluded to the burden these documentation requirements caused. As mayor of Baltimore, he said, whenever he toured a school, a teacher would call him over with a private plea: "'Get us out of this lawsuit,' they would whisper," he said. "'We spend so much time filling out paperwork that we could be spending on the kids.'"

The IEPs are an example. They were hand-written until the 2000s, Margolis says, and the plans are meant to be very flexible to serve the student's needs. So a student would get an IEP, and there would be a meeting, Margolis says: "A month later, they make one change, but instead of making that change and having everyone just initial the page, they would rewrite the IEP."

Margolis says previous school administrators did not take the issue seriously, but under Alonso's leadership, the problems the suit outlined were brought into focus.

According to Kim Lewis, who became director of special education for Baltimore City Schools in 2008 after spending most of the previous decade monitoring the school system for the Maryland Department of Education, the suit "put layers of responsibility on the school system, many of which went beyond the requirement of the IDEA. It put a burden on all levels . . . as we've been making progress, we've been able to lift some of those burdens."

Last week's announcement spells out the way some of those burdens will be lifted--or at least modified.

For the lawsuit to end on schedule, all the parties must agree that Baltimore is in compliance with all the provisions of the settlement. The first step in that process will come next month, when U.S. District Judge Marvin Garbis will hear comments from interested parties. Anyone wanting to comment on the proposed settlement has until April 9 to submit their written testimony of request to speak at the hearing, scheduled for April 19, 10 a.m. in courtroom 1A. The amount of time each speaker will be given to speak is still to be determined by Judge Garbis.

"We're in the process of seeing what will change," Lewis says. "This settlement agreement allows us to recommit, redirect and continue to move forward."