

PRESS RELEASE

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Lawsuit filed: nearly 25 years to build a mental health service for special education students and the Governor erases it overnight

October 21, 2010, LOS ANGELES—a class action lawsuit to preserve lifeline services for more than 20,000 students was filed today in federal court by Public Counsel, Disability Rights California, Mental Health Advocacy Services and Gibson, Dunn & Crutcher. For almost 25 years California has been providing critical “AB 3632” services through county mental health departments to special education students who need mental health support to stay in school. The services include crisis counseling, case management, medication management and residential placement.

On October 8, Governor Schwarzenegger severed the system with his line-item veto, without even bothering to offer perfunctory regrets.

Announcing the lawsuit, Laura Faer of Public Counsel said, “While the adults quibble about who is responsible –for funding, for services, for this entire mess—it is the children who are harmed. In the midst of this chaos, we are stepping up to fight for their continuity of care.”

Jim Preis of Mental Health Advocacy Services reported: “One student precipitously cut off from care is Andrew, a 17 year old who was adopted from the foster care system when he was 2 and ½ following exposure to fetal alcohol and drugs. He was hospitalized following suicide attempts. Finally, the appropriate services for Andrew were lined up through Los Angeles County Mental Health. Because of the veto, he is now stuck in juvenile hall without the services he needs.”

“Since the Governor blue-penciled the services, our phones have been ringing across the state,” said Candis Bowles of Disability Rights California. “Parents are scared about what will happen next.

We've had calls about kids who no longer get services designed to keep them in the community. There are children ready to leave institutions but can't because the support services are gone."

Counsel in the case also described the situation of Loni, a 6th grader whose residential placement has enabled her to continue schooling, and to receive her first positive evaluations in a long time. As a result of the cuts, Loni is about to lose her residential placement. Andrew, Loni and tens of thousands of other students are facing: deterioration of their mental health, re-hospitalization and interrupted schooling.

John Sharer of Gibson Dunn stated, "We are sure that many of the legislators who are disability rights champions will be working toward a fix of this unacceptable situation. In the meantime, we are bringing suit to prevent the interruption of critical mental health services for the thousands of students who need them."

Public Counsel, founded in 1970, is the nation's largest pro bono law office, working on behalf of low-income children, youth, adults and families (www.publiccounsel.org)

Mental Health Advocacy Services is a non-profit organization providing free legal services to more than 3000 children and adults annually (www.mhas-la.org)

Disability Rights California, founded in 1978, positively impacts at least 50,000 Californians a year through its advocacy, lawsuits, investigations and trainings (www.disabilityrightsca.org)

Gibson, Dunn & Crutcher LLP is a global law firm with more than 1000 lawyers working in 17 offices in the U.S., Europe, the Middle East, Asia and Latin America (www.gibsondunn.com)