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Trial Date set for Race Discrimination Lawsuit Against Lower Merion School District

LOWER MERION, PA – The Lower Merion School District (LMSD) is back in court. Following a failed mediation attempt in the case, Chief Judge **Harvey Bartle III** set a trial date for ***Blunt et al vs. Lower Merion School District***, a federal lawsuit alleging that LMSD has systematically discriminated against its black students by disproportionately and inappropriately referring them to and placing them in special education programs and the lowest level classes, where they are segregated from their white peers and receive substandard educations.

The lawsuit is set to go into the trial pool on November 1, 2011, and the parties have until April 29, 2011 to exchange documents and information and take pre-trial testimony. The lawsuit was first filed on July 30th, 2007, on behalf of eight African American families and their children from Lower Merion School District along with **Concerned Black Parents, Inc.**, and the **NAACP Mainline Branch**. Counsel for the plaintiffs are the Public Interest Law Center of Philadelphia and the law firm DLA Piper.

“Each of the plaintiffs is disheartened that mediation failed and the case will linger into a fourth year before going to trial to amend these injustices,” says **Lorraine Carter** of Concerned Black Parents. “With each passing year, black students miss post-secondary and career opportunities. Clearly, the federal Court must compel the LMSD to expedite school reform and ensure that its entire staff is effectively trained in cultural proficiency – something that will require more than a two to five hour professional development workshop. Looking forward, we remain hopeful that sustained change is imminent with the Court's help.”

“The District is essentially wrongly using its special education programs to resegregate their schools,” explains **Sonja Kerr**, Director of the Law Center's Disabilities Rights Project. “Teachers and other staff often have unfairly low expectations for minority students, and they also often misperceive cultural differences as disabilities. What we hear from families is that this has been going on for generations. Those attitudes and misunderstandings lead directly to the racial disparity you see in Lower Merion schools. LMSD has definitely been aware of this problem since 1997 when it first created committees to address the problem, but the system has not improved.”

Carl Hittinger, a partner at DLA Piper, also emphasizes that, “What the District has essentially done for the past decades is to create an educational system in which minority students are predetermined to fail and then later claim that the same minority students are ill equipped to handle the rigors of a college preparatory curriculum. It is a self fulfilling prophesy and racial discrimination at its worst. The shocking statistics bear that out.”

In LMSD, African Americans constitute 8.6% of the student body but some 37% of African American seniors and 29% of black middle school students have been placed in special



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education classes. For white students, the numbers are 19% and 17%, respectively. Statewide, approximately 15% of all students are in special education programs.

Separated from their peers in special or remedial education programs, even students of average or above average intelligence quickly fall behind their grade levels – an obstacle to future success that can persist throughout their lives. One student spent her entire middle school and high school years wrongly identified as having a specific learning disability; it was only at the insistence of the Law Center and the student’s family that she was independently reevaluated. The reevaluation stated unequivocally that the prior diagnosis was incorrect and should never have been made.

In August of 2009, Judge Bartle declined to certify *Blunt* as a class action lawsuit on behalf of all African American students in LMSD, but the lawsuit will proceed on behalf of the original children, minus one whose claims were dismissed. The Law Center also continues to represent individual students in administrative hearings brought under the federal Individuals with Disabilities Education Act against LMSD. Those cases seek to ensure correct diagnoses of disabilities and high-quality curriculums in inclusive environments, and to secure compensation for students who have already suffered from an inadequate education.

“We continue to hope the Lower Merion School District will take this issue seriously and cooperate to find a substantive and lasting solution to the problem,” Kerr says. “We know that within the LMSD, there are individuals who care and who want this situation solved. But the LMSD Board needs to decisively act to solve this problem. Until that happens, we will continue to use every tool at our disposal to achieve justice for the students of Lower Merion.”

Hittinger says, “The LMSD Board has to step up, find out the real facts, and address this issue before further minority children are irreparably harmed.”

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