

# Suit pending over educational rights of handicapped

**T**he Puerto Rico chapter of the American Civil Liberties Union announced Thursday that it will join with parents and the Bar Association in the preparation of a lawsuit to be filed in federal court charging the island Education Department with violating the rights of handicapped children to an education.

In a news conference at the Bar Association, ACLU Executive Director William Ramirez Hernández said the lawsuit will be based on the Americans With Disabilities Act of 1990, the Rehabilitation Act of 1973 and the No Child Left Behind Act of 2002.

When filed, the lawsuit will be the second class-action lawsuit filed against the department. A class-action lawsuit, Rosa Lydia Vélez and others vs. (then-Education Secretary) Arilda Aponic Roque and others, was filed

more than 20 years ago in the commonwealth courts.

Ramírez and some of the parents attending the news conference contended that although parties in the local lawsuit had reached a stipulated agreement to resolve their differences, "the deplorable conditions continue."

Worse still, some of the parents contended, the department has gone on a "war footing" against those parents who are too forceful in demanding their children's rights to a good education.

Ramírez contended the department is also attempting to limit the rights of the parents to take lawyers to meetings at which parents and the department talk out their differences.

The parents' hostility was directed primarily at attorney Irma Aliela Rodríguez, the director of the Education Department's legal division, who denied all the charges, including that she

had closed a school in Carolina that was working very well.

The reference was to the Atreyanes School in Carolina that was closed in May 2004.

"I don't have the authority to close schools," she said. "The school was ordered closed by [former] Education Secretary César Rey because it only had three students."

"It only had three students because the school was in an isolated area. One student lives nearby, but the other two came from a great distance and they students could not be attracted because of the distance."

"They closed it because it was not cost-effective and new schools were found for two of the students," Rodríguez said.

She also denied the department was attempting to stop lawyers from attending meetings between parents and department personnel.

"What happened was that parents were taking lawyers to these meetings and the department personnel felt intimidated and they wanted lawyers also."

"Our office had only three lawyers so we had to retain outside law firms to represent us. All I have been doing is asking the parents if they are bringing lawyers to the meetings so we would know whether to assign lawyers or not," she said.

Among those seeking help at the meeting were married couple Genaro Herrera and Yolanda Cano, Peruvian nationals who have two autistic children. Although the elder child had no trouble getting into school, they were told that because they were foreigners, they could not get a special education class for the younger one.

"We just don't know what to do," Herrera said.