

CIVIL LEGAL SERVICES SPECIAL EDUCATION PRACTICE

THE
PUBLIC
DEFENDER
SERVICE
for the District of Columbia



CHAMPIONS OF LIBERTY

Special Education Advocacy at PDS

- PDS special education attorneys represent PDS juvenile clients and their parents and students with disabilities between the ages of 18 and 22 to obtain special education instruction and services under the Individuals With Disabilities Education Act and Section 504 of the Rehabilitation Act.
- PDS's special educational practice is at the intersection of special education advocacy and criminal defense work and is a critical element of PDS's team defense model.
- PDS special education attorneys collaborate with PDS criminal defense attorneys to develop case strategies and craft disposition and sentencing plans.
- PDS special education attorneys represent clients confined at New Beginnings, the Youth Services Center, the Central Detention Center, the Correctional Treatment Center and in the community after release.
- PDS special education attorneys represent PDS juveniles clients and their parents or guardians in every phase of special education advocacy, including eligibility issues, access to and implementation of FAPE, securing independent evaluations, school discipline issues, representing clients at due process hearings and filing state administrative complaints.



PDS was the first indigent defense agency in the nation to pioneer holistic defense of persons involved in the criminal justice system. A cornerstone of PDS's commitment to holistic defense has been its special education advocacy on behalf of youth with disabilities 22 years old and younger who have been charged with a criminal offense. Our special education practice has been an integral part of PDS's team defense model to ensure our juvenile clients have a meaningful opportunity to succeed in life – with their access to education and services being a principal path toward that success.

—Sabrina Bazemore, Nina Isaacson, and Nakisha Winston, Special Education Attorneys

- PDS special education attorneys appear before the D.C. City Council to comment on educational legislation and policy and regularly engage the District of Columbia Public Schools, the Office of State Superintendent of Education and the Department of Corrections on policies that affect access to special education.
- PDS special education attorneys provide training to Superior Court Judges, criminal defense attorneys, law students and other criminal justice stakeholders on the impact disabilities and special education needs can have on a person's involvement in the criminal or juvenile justice system and how special education advocacy can prove vital to a young person's success.

Special Education Advocacy in a Criminal Defense Case

PDS's special education practice is made complex because it is at the intersection of criminal defense and special education advocacy. Thus, many cases generate questions that affect a client's criminal procedure protections and how our advocacy can help or hinder a child's criminal defense in his juvenile case. For example, Fifth Amendment concerns are implicated in any case where the client has a parallel criminal case or potential criminal exposure. These concerns can and often inform tactical decisions in our special education cases. This dynamic adds a layer of complexity to our special education practice because our efforts are not only directed at securing children a full measure of their rights under the IDEA, but also at positively affecting the disposition of their juvenile case. All this to say that our cases require the highest level of skills to navigate these issues and achieve good educational and criminal defense outcomes for our clients.

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