

# Mills v. Board of Education of District of Columbia (1972)

In *Mills v. Board of Education of District of Columbia* (1972), hereafter *Mills*, the United States District Court for the District of Columbia held that students with disabilities are entitled to an education, and that education cannot be denied based on the accommodations' additional cost to the school. *Mills* was a class action lawsuit brought to the court on behalf of seven children denied public education by the District of Columbia School District because of their disabilities and the cost of accommodations the school would incur to educate them. US District Court Judge Joseph Cornelius Waddy presided over the case and ruled in favor of the students, finding that they were not given due process prior to expulsion from the school. *Mills* was one of the first cases in the US that guaranteed the right of students with any disability to a public education, regardless of the cost to the school system, and led to comprehensive federal legislation protecting disabled children's right to free public education.

*Mills* originated from a lawsuit from the National Legal Aid & Defender Association, or NLADA. The NLADA is a non-profit organization that provides legal assistance and public defense to Americans unable to afford lawyers. The NLADA sued the Board of Education of the District of Columbia, the Superintendent of Schools for the District of Columbia, and the Commissioner of the District of Columbia. The NLADA argued that the Board of Education violated a congressional decree mandating publicly funded education for the children of the District of Columbia. The NLADA brought the case forward on behalf of seven children aged eight to sixteen with various disabilities, including epilepsy, unspecified "behavior problems," and degrees of "mental retardation." As of 2022, terms like "mental retardation" are no longer acceptable to use, and professionals in the medical and legal fields opt for terms like "developmental disability" or "intellectual disability." All those students were barred from participation in the public school system and were unable to afford private education. While all students named in the lawsuit were Black, they represented a class of students from many different racial backgrounds. A class is a group of people who share similar characteristics who file a lawsuit under one name. A class-action lawsuit allows for courts to judge a case on behalf of many people in situations where the number of individual cases would otherwise be difficult or impossible to manage. Peter Mills, a twelve-year old boy and ward of the state, was the lead plaintiff of the case and was the namesake of the *Mills* class.

The case comes from the denial of "exceptional" children from accessing public education. "Exceptional" children included children with physical, mental, intellectual, and developmental disabilities. "Exceptional" children composed a large portion of the students in the District of Columbia during the time of the *Mills* case, with an estimated 16,000–22,000 children falling under that designation. However, since the District of Columbia had failed to collect census data on children aged three to eighteen, a precise number was not known at the time. The NLADA argued that approximately 22,000 children with severe disabilities resided in the District of Columbia, with about 18,000 of those children not receiving any specialized education. An estimated 164,000 school-aged children lived in the district at the time of *Mills*.

The case relies on precedent from *Brown v. Board of Education of Topeka* (1954) and *Bolling v. Sharpe* (1954), which determined that education is crucial for the basic development of citizens and is, therefore, a right that must be provided equally regardless of race. *Brown* and *Bolling* were similar cases involving racial discrimination in public services, and the US Supreme Court decided both cases on the same day in 1954. Additionally, the NLADA cited the case of *Hobson v. Hansen* (1967), which found that denying opportunities to low-income public-school children that affluent

public school children receive violates the Due Process Clause of the Fifth Amendment. The Due Process Clause requires that a person be granted a fair process whenever the government may deny a person "life, liberty or property" by the government. The students in Mills were not granted any hearings or appeals to challenge their exclusion from the public school system. Therefore, the Mills class argued that no such due process was present.

The Board of Education of the District of Columbia, hereafter the Board, argued that if the school system did include the "exceptional" children, they would require millions of dollars in additional funds from the US government, or they would have to divert funds already appropriated to other educational services. The Board argued that doing so would violate an Act of Congress by making the school system unequal in favor of disabled students to the detriment of non-disabled students. The court was unconvinced by this argument, citing *Goldberg v. Kelly* (1969), which considered whether a welfare recipient had a right to a hearing prior to losing benefits if the hearing was expensive. In *Goldberg*, the Supreme Court found that the state's interest in protecting due process rights surpasses the interest in reducing financial burden by bypassing a hearing. The court applied the same reasoning in *Mills* since the interest in educating all children surpasses the need to save government funds.

Siding with the disabled students, Judge Waddy wrote the court decision on 1 August, 1972. He ordered the Board to comply with several decrees to provide relief to the students in the Mills class. He ordered the Board to provide public education to all students regardless of the severity or extent of their disability or the availability of funds, with thirty days to provide education to the participants of the Mills class. Additionally, the court required the Board to identify, contact, and provide education to any eligible student who had been previously excluded or expelled by the school system and publicly advertise the policy change. The Board could also no longer suspend a student for more than two days without due process in the form of a hearing. The order went beyond requiring the public schools to include the students. Waddy ordered that the schools give the students individual assessments and educational plans and develop procedures for disciplinary hearings that followed the judge's guidelines.

*Mills* was one of the first cases to challenge the systemic denial of disabled children in public education in the US. In a similar case decided in the same year, *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* (1972), hereafter *PARC*, a district court found a Pennsylvania statute that permitted school districts to discriminate against intellectually and developmentally disabled students to be unconstitutional. *Mills* is unique from *PARC* in that the decision expanded the protection of the right of education to include all forms of disability, not just those deemed "mentally retarded." Since the *Mills* and *PARC* decisions in 1972, over 150 federal and state courts have cited them as precedent. Additionally, federal legislation put into statute many of the provisions that originated in the rulings of *Mills* and *PARC* in the Education for All Handicapped Children Act of 1975, which is called the Individuals with Disabilities Education Act, or IDEA, as of 2022. Provisions found in the *Mills* decision, including documentation outlining specific individual education plans for disabled students, the identification and evaluation of students suspected of having a disability, and the right of parents to challenge any evaluation made by schools about educational placement, are components of IDEA as of 2022.

## Sources

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