

Supreme Court Roundup

States' Obligation to Retarded Faces Study

Special to The New York Times

WASHINGTON, June 9 — The Supreme Court agreed today to rule on the extent of a state's legal obligation to provide education and training for the retarded.

While the case involves interpretations of state and Federal law, rather than the more fundamental issue of a constitutional right to treatment for the retarded, it moves the Court into a new area and it could provide one of the more important cases of the next term.

The Justices accepted an appeal by administrators of the Pennhurst State School in Pennsylvania from a Federal court ruling that placed the 72-year-old institution under court supervision and ordered residents transferred to the least restrictive settings possible.

The lower court found that both Pennsylvania law and the Developmentally Disabled Assistance and Bill of Rights Act, a Federal law under which all 50 states receive Federal funds for care of the retarded, entitle the retarded to education in the least restrictive setting possible to enable them to reach their maximum potential.

Federal Intrusion Alleged

In asking the Justices to take the case, the Pennsylvania officials argued that by mandating one particular approach to care of the retarded, usually called "deinstitutionalization," the Federal courts were "seriously intruding" into state decision-making.

Five other states, including New York, joined the Pennsylvania appeal. Their brief said they were not condoning the conditions at the Pennsylvania institution but needed to know whether their acceptance of Federal funds obligated them to restructure the delivery of services to the retarded.

A suit involving the Suffolk Developmental Center, a New York institution, could be affected by the Supreme Court's ruling in the Pennsylvania case.

Today's case, Pennhurst State School v. Halderman, No. 79-1404, began as a class-action lawsuit by the residents, charging the institution with failing to provide even minimal services. The Federal Government entered the case on the residents' behalf.

The United States District Court ordered the school shut down. On appeal, the United States Court of Appeals for the Third Circuit, while finding the conditions "abominable," reversed the closure order. But it held that conditions must be "dramatically improved" and that many of the 1,200 residents must be transferred out under the direction of a court-appointed master.