



**PUBLIC INTEREST LAW  
CENTER OF PHILADELPHIA**

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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Contact: Barb Macholz, 267-546-1304, [bmacholz@pilcop.org](mailto:bmacholz@pilcop.org)

**Under New Agreement Chester Upland Will Provide Compensatory Education to Students with Disabilities**

Philadelphia, Pa. – The Public Interest Law Center of Philadelphia has obtained the agreement of the Chester Upland School District to provide more than 20,000 hours of compensatory education to special education students over the next two years.

This latest agreement submitted to the U.S. District Court on August 14, 2013, in conjunction with an earlier agreement submitted to the Court in May, ensures all eligible students will receive a baseline of compensatory education services. Compensatory education provides a child with disabilities additional services when a district has failed to provide necessary services.

Notice of the number of hours each student is entitled to receive will be sent to parents by the district before the end of August. At this time, parents do not need to take any immediate action to make sure their students receive the baseline compensatory education services set forth in the agreements. Students can obtain these services when convenient to them any time before June 30, 2015. Compensatory education services will be provided by the district or by approved vendors. The agreement allows parents to seek additional compensatory education if services were not appropriately provided during the last two years; the notice will inform parents on how they can assert any such additional claims.

The most recent agreement provides 60 hours of compensatory education to students whose progress reports during the 2012-2013 school year showed “no progress” for any Individual Educational Plan (IEP) goal for two consecutive marking periods. It also provides 30 hours of compensatory education to students who either did not receive a progress report or whose progress report was insufficiently detailed for two consecutive marking periods.

The May agreement provides compensatory education to students who may not have received appropriate special education services during the 2011-2012 year when the district was threatened with closing and cut backs. That agreement provides:

- 70 hours of compensatory education services in the form of math and reading tutoring to high school students who were supposed to receive learning support services;
- 40 hours of math and reading tutoring to elementary and middle school students who were scheduled to receive learning support programs;
- 24 hours of counseling services to students who were scheduled for counseling, whose evaluations were delayed, or who were suspended for more than 10 days or sent to an alternative school; and,

- 6 or 12 hours of speech and language services for students whose IEPs called for those services.

“These educational programs will benefit both eligible students and the district as its students will be better suited to advance in their studies. We are very glad that the district recognized that it was in its interest to provide these services across the board instead of spending resources trying to determine which students were hurt the most,” said Sonja Kerr, Director of the Disabilities Rights Project at the Law Center and one of the lead attorneys in this case. “The district has added significant resources to its special education program in the last year and the state special education officers made significant contributions. We hope the district will continue to build on this foundation.”

Parents should also know that the district has added a new program for children with autism (Applied Behavioral Analysis) and is training teachers in a new reading program for children with dyslexia and learning disabilities (Orton-Gillingham instruction).

The Law Center was appointed counsel to the class of parents of all Chester Upland students with IEPs by the District Court in connection with the lawsuit against the Commonwealth of Pennsylvania asserting it failed to provide sufficient funding for special education students during the 2011-12 school year. Settlement of that suit in August 2012 mandated that the district and state ensure access to compensatory education for the 2011-2012 school year and appropriate special education services during the 2012-2013 school year. The two recent agreements arise from enforcement actions brought by the Law Center under the August 2012 settlement agreement.

Although the court’s formal jurisdiction to enforce that agreement has now ended, the court does retain limited jurisdiction to enforce the school district’s commitment to provide these compensatory education services during the next two years.

A copy of the agreement with the District can be found here: <http://bit.ly/15FFsfk>

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