

FOR IMMEDIATE RELEASE
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School District to improve services for Philly students with disabilities during school breaks

Philadelphia, Pa. – On February 3, 2017, a group of parents of students with disabilities reached a settlement agreement with the School District of Philadelphia that will force the District to immediately provide improved special education services to students with disabilities during school breaks such as summer recess and winter vacation.

An estimated 26,000 students in Philadelphia receive special education services. For many of those students, school breaks can significantly disrupt academic progress. To avoid that harm, the federal Individuals with Disabilities Education Act (IDEA) requires school districts provide Extended School Year (ESY) services to eligible students. Schools cannot universally dictate the type, amount, and duration of ESY services children will receive—those decisions must be made in partnership with parents as part of each child’s Individualized Educational Program (“IEP”).

During the 2013 summer break, however, the school district operated a one-size-fits-all ESY program with set time frames and without regard to the different therapies and services that individual students needed. In 2014, parents represented by the Public Interest Law Center and Covington & Burling LLP filed a lawsuit in federal court contending that this practice violated the IDEA. The parents alleged the district did not meaningfully involve them in planning for the ESY services and would not provide individualized services outside of the school’s predetermined program, even when parents made such requests.

Kimberly Williams’ son was a student at Roxborough High School at the time and has autism and a severe language disorder. A plaintiff in the lawsuit, Ms. Williams received a form letter out of the blue that mandated her son receive the same program as all other students. “When the school district wouldn’t provide my son with the language therapy he needed, I had to pay out of my own pocket for additional services, even though my son has a right to individualized services. I really hope the district will follow through with this settlement and provide my son with the education he deserves.”

“Each student with a disability has a legal right to an individualized and integrated public education, and we are now hopeful the school district will ensure that right is upheld when it comes to ESY services,” said Jennifer Clarke, executive director of the Public Interest Law Center. “We will continue to monitor the district’s provision of ESY services and hold the district accountable to meet the needs of all students.”

Under the settlement agreement, and in accordance with federal law, the school district must make individualized determinations regarding the type, amount and duration of services based on each student’s individual needs. If the IEP team determines that students need additional or different services than those provided within the district’s planned summer services, the district will now provide those additional services.

The district must now provide ESY-specific trainings and resources to special education teachers, special education liaisons, school administrators and other district and school personnel to ensure all staff understand the requirement to provide individualized ESY programs. In addition, the district will improve its communications with parents by offering trainings, additional written notifications, and instruction that ESY services should be discussed and included as part of each student's IEP.

The district must also share data about their ESY services with the Public Interest Law Center for three years to allow for compliance monitoring. During that time, the court will retain jurisdiction for the purpose of enforcing the agreement if necessary.

Parents who believe their children are not receiving appropriate services or who have not been given the opportunity to meaningfully participate in their child's IEP process with regard to ESY services should contact Lee Awbrey at the Public Interest Law Center at 267-546-1313 or lawbrey@pubintl.org.

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