



pennsylvania
DEPARTMENT OF EDUCATION

November 8, 2013

Sonja D. Kerr, Esquire
Director, Disability Rights
Public Interest Law Center of Philadelphia
United Way Building
1709 Benjamin Franklin Parkway
2nd Floor
Philadelphia, PA 19103

Dear Ms. Kerr:

This letter confirms the Pennsylvania Department of Education's (Department) receipt of your letter related to multiple children in the School District of Philadelphia (SDP), which was received on October 25, 2013. Your letter was referred to the Department's Bureau of Special Education (Bureau) to determine whether you raise allegations related to the education of students with disabilities.

Based upon the information you have provided in your letter we identified the following allegation as related to the education of students with disabilities, which the Bureau is treating as a complaint and will investigate pursuant to the Individuals with Disabilities Education Act (IDEA) and Chapters 14 and 15 of the State Board of Education's regulations:

The School District of Philadelphia (SDP) failed to provide nursing services to those students whose Individualized Education Programs (IEPs) or Chapter 15 504 Service Plan Agreements require nursing services.

Ruth Furman is the Special Education Adviser assigned to investigate this matter. In your letter, you have given an assurance that you have provided a copy of the letter to the District as required by 34 C.F.R. §300.153(d). If you have not done so, please contact Ms. Furman at (610) 642 -1237 or rfurman@pa.gov.

The local education agency (LEA) is to provide you a copy of the Procedural Safeguards Notice upon receipt of a complaint when it is the first complaint filed by you for the school year. If you do not receive a copy of the Procedural Safeguards Notice in a timely manner, please contact Ms. Furman.

The federal regulations also provide the LEA an opportunity to respond to you with a proposal to resolve the complaint, or to voluntarily engage in mediation. If you and the LEA reach an agreement to resolve the complaint, you and the LEA must complete the enclosed Report of Complaint Resolution, the original of which the LEA will mail to Ms. Furman at the Bureau.

If additional information is needed, we will contact you. If you desire to provide additional information, you may do so by writing to Ms. Furman.

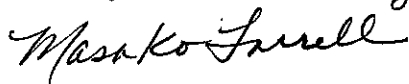
Your letter included information and/or copies of letters written by parents about individual schools located in the SDP and students attending those schools. Please know that these letters were also submitted separately to the Bureau and will be investigated individually. Some of these letters, however,

did not involve students with disabilities and have been forwarded to the Department's Office of Students Services to be addressed in accordance with their procedures.

Your letter also included information that falls under the purview of the Pennsylvania Department of Health. Accordingly, we will refer to the Department of Health the allegation that the SDP failed to provide nursing services to students, including students with disabilities or other serious health needs, as required by section 1402 of the Public School Code, 24 P.S. § 14-1402.

We anticipate that the Bureau's investigation regarding the provision of school nurses for students in the SDP with IEPs and 504 Service Agreements will involve a review of IEPs and 504 Plans for all students containing nursing services. The Bureau will conduct an onsite visit to those schools housing these students and their programs to find out if the nursing services required by IEPs and 504 Plans are being provided. Following the investigation, a report of findings and conclusions will be sent to you within 60 days.

Sincerely,

 LP

Masako Farrell, Chief
Division of Monitoring & Improvement - East

Enclosure: Report of Complaint Resolution

cc: Carolyn Dumaresq, Acting Secretary of Education
Michael Wolf, Secretary of Health
Dr. William Hite, Jr., Executive Director, Intermediate Unit 26
Kim Caputo, Deputy Chief, Office of Specialized Instructional Services
Ruth Furman, Special Education Adviser
Central File

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION**

Subject: Complaint Management System - Report of Complaint Resolution
To: Masako Farrell, Chief, Division of Monitoring & Improvement - East
From: Kim Caputo, Deputy Chief, Office of Specialized Instructional Services
Cc: Ruth Furman, Special Education Adviser

Complainant Name: Sonja D. Kerr, Esquire **Student Name:** Multiple Students
School: School District of Philadelphia **Complaint Date:** October 25, 2013

The Code of Federal Regulations, 34 C.F.R. §300.152 (a)(3), requires that state complaint procedures provide public agencies with the opportunity to respond to a complaint, including, at a minimum –

- (i) At the discretion of the public agency, a proposal to resolve the complaint, and
- (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506.

Therefore, if the LEA and the parent have resolved all issue(s) asserted in the above referenced complaint, please complete the sections below and return a copy of the completed, signed form to the Bureau.

The School District of Philadelphia (SDP) failed to provide nursing services to those Students whose Individualized Education Programs (IEPs) or Chapter 15 504 Service Plan Agreements require nursing services.

Resolution Summary:

These issues have been resolved to my satisfaction, and my signature indicates agreement that the Bureau may cease any further activity regarding the investigation of these issues in the complaint.

Complainant Signature

Date

School/LEA Representative

Date