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July 11, 2014

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Bill Green, Chair, SRC
Superintendent William Hite
School District of Philadelphia
440 Broad Street
Philadelphia, PA 19130

Via Fax: 215-400-4104 (Superintendent), 215-400-4011 (SRC)

Re: Layoff of Special Education Aides

Dear Chairman Green and Superintendent Hite:

We are alerted to the District's reduction in special education aides according to the Philadelphia Inquirer this week and write to express our extreme concern about the impact on students. It is our latest understanding that this may be a reduction of higher paid aides for aides whose salaries are less costly. In any event, we write to obtain additional information and to urge caution for the following reasons.

First, assignment of an aide for a student on an IEP, is an IEP decision. While the district has authority over hiring and firing of aides, it is the decision of the IEP team as to whether a student receives an aide as an IEP service. Unless someone has reviewed IEPs and had IEP meetings with parents about elimination of aide services, a reduction in aides would likely violate many IEPs. How many students will be losing aides because of the cuts announced yesterday?

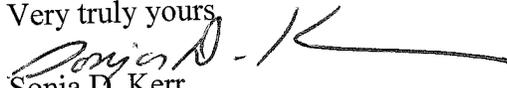
Secondly, if the replacement of aides leads to less qualified aides, that would be contrary to law. The District has previously been told in a complaint finding issued by PDE on November 12, 2013 that it must comply with the requirements of Pennsylvania law at Pa. Code §14.105 which describes the qualifications necessary for a paraprofessional to assist in providing instructional programs and services to children with disabilities. At that time, the Bureau of Special Education found that the District had failed to provide an instructional teaching assistant who met the necessary paraprofessional qualifications. The District was ordered to develop an internal monitoring of each paraprofessional's qualifications to insure they meet the §14.105 requirements and to issue a memorandum to all staff regarding this process to "insure that all paraprofessionals in the SDP meet the Chapter 14 requirements." We urge the District to ensure that the actions to either reduce or replace aides does not violate the requirement for qualified personnel providing assistance to students. The District's own special education plan dated July 1, 2014 specifically commits to hiring Highly Qualified Paraprofessionals with new hires receiving an introduction to IDEA and how to respond to challenging behavior in the classroom setting, and to training of

paraprofessionals in safety care. In addition, the District has indicated it has committed to a speech and language program based on a distributed practice model and that model necessitates use of highly qualified paraprofessionals. Such approaches suggest to us that more, not less highly qualified paraprofessionals are needed. Please tell us the qualifications that will be required of any replacement aides you intend to hire and what training they will receive before school begins.

Third, the District must comply with the requirements of maintenance of effort standards set forth in the IDEA. At the June 30, 2014 SRC meeting the District suggested reduction of \$5.5 million in special education which we believe may violate the IDEA's maintenance of effort requirements. Attached is a recent explanation of the MOE by the United States Department of Education. In short, the District cannot provide less funding for special education than the amount it was supposed to be providing during 2013-2014 even if the District actually spent less. Will you be in compliance with MOE after the cuts that were announced?

We thank you in advance for your prompt attention to these concerns.

Very truly yours,



Sonja D. Kerr

Director, Disability Rights

Cc: Kim Caputo, Director OSIS (Fax: 215-400-4171)
Miles H. Shore, Office of General Counsel (Fax: 215-400-4121)