



## PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

FOR IMMEDIATE RELEASE—June 21<sup>st</sup>, 2011

### **Federal Lawsuit Filed Against School District of Philadelphia on Behalf of Students with Autism**

PHILADELPHIA—On Monday, June 20<sup>th</sup>, 2011, the **Public Interest Law Center of Philadelphia** and co-counsel **Dechert, LLP**, filed a class action on behalf of families whose children with autism attend city schools. In *P.V. v. The School District of Philadelphia*, filed in the U.S. District Court for the Eastern District of Pennsylvania, the parents of four children, PV, MM, JV, and RS, allege that the District has an illegal “Automatic Autism Transfer Policy” which requires some 3,000-4,000 children with autism to be illegally moved from school to school because of their autism.

The District’s elementary schools do not all have autism support classes, and the schools that do have them usually do not have autistic support through the full range of grades they normally teach. If a child needs an autism support class and attends a school that has a K-2 but not a 3-5 autism support class, the District will automatically transfer the student elsewhere as he or she reaches third grade. Nondisabled students in a K-5 school do not face such transfers, and such disruptions are especially difficult for students who experience autism.

“Children with autism have difficulty with communication and social skills. Because of this, they have a hard time adjusting to new environments. Requiring these children to move from school to school makes no educational sense,” says **Sonja D. Kerr**, Director, Disability Rights Project of the Public Interest Law Center. “The District knows this policy is bad for children with autism but has failed to act to get rid of it.”

In April, 2011, a special hearing officer ruled that the policy violated the rights of P.V. and M.M. but that he was without any authority to change it. Still, he implored the District to voluntarily change its ways: “The Hearing Officer lacks authority to order wholesale changes to the District’s procedures....[but] the District is encouraged to alter its procedures on a broader scope, if only to avoid a plethora of identical claims from similarly situated students.”

The District continues to employ the policy despite warnings from the hearing officer and in contradiction of the federal Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act and Section 504. The Plaintiffs hope to change the policy and at a minimum require the District to:

- Cease using the Automatic Autism Transfer Policy that allows someone who does not even know a child to make a unilateral transfer decision for him or her;
- Keep an updated list of autism support classrooms that is publicly available so that parents can be well-informed about the different program sites;
- Tell all parents of children with autism which schools have autism support classrooms as the child enters the District, and involve parents in the process of school selection.

“It’s really not a difficult request that we are making of the District, and I’m surprised that the District administration continues to want to fight about this issue, rather than being reasonable and meeting parents halfway by keeping them informed and part of the process,” says **Jennifer Clarke**, Executive Director of the Public Interest Law Center.

This lawsuit is also one of the first steps in a comprehensive “Philadelphia Project” to reform the way the School District of Philadelphia educates its 23,000 students with disabilities. The Public Interest Law Center of Philadelphia and Dechert, LLP, have developed a new partnership to help children with disabilities who reside in the School District of Philadelphia. With the Law Center’s expertise and Dechert’s excellent lawyers and longstanding tradition of service to the community, this project can create the systemic reform needed to protect the rights of all the District’s students with disabilities.

**\*REMINDER:** The Law Center will be holding a press conference at **3:30 p.m. today, June 21<sup>st</sup>**, in the **United Way Building (1709 Benjamin Franklin Parkway, Philadelphia PA, 19103), Lobby #4**. Parents of plaintiff students will be available for interviews.

### **More About the Philadelphia Project**

The Law Center recently launched the Philadelphia Project, a collaboration of public interest and private lawyers and law students whose goal is to transform the system for educating the 23,000 children with disabilities in the School District of Philadelphia and to secure significant improvements in the quality of their education. The Project’s four activities are:

- Representing families in individual cases
- Training families and other stakeholders about the rights accorded under the Individuals with Disabilities Education Act
- Encouraging and facilitating joint projects through informal networking and coalition-building with organizations devoted to the issue
- Using information gained from individual cases and other research to identify systemic issues and develop strategies to address them

If your child is a student in the School District of Philadelphia and has autism or another disability and you need help getting your child the education he or she deserves, contact the Law Center at 215-627-7100, or visit our website at <http://www.pilcop.org/contact.html#Consultation> to find out more about our special education consultation services.

### **About the Public Interest Law Center of Philadelphia**

The Public Interest Law Center of Philadelphia uses high-impact legal strategies to improve the well-being and life prospects of the most vulnerable populations in the Philadelphia region by assuring that they have access to the resources and services that all of us need to lead our lives.

### **Contact**

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### ***Request a copy of the full complaint:***

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