



**PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA**

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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Parents of Children with Autism to Have Say in School Placement

Philadelphia, Pa. – Under a new class action settlement agreement, the School District of Philadelphia must notify parents of students with autism in grades K - 8 about the school placement process to ensure that parents have an opportunity to understand and discuss the decision. The Court has preliminarily approved the settlement and scheduled a hearing on the fairness of the agreement for Tuesday, June 3, 2014 from 9:30 a.m. – 12:00 p.m. in Courtroom 6A at the U.S. District Courthouse located at 601 Market Street.

The settlement resolves a class action lawsuit filed in 2011 by the Public Interest Law Center of Philadelphia and Dechert LLP against the District on behalf of some 1,600 students with autism who were being “shuffled” from school to school without notice to, or consultation with, parents. “With this settlement, I am looking forward to the future with a little more hope than I had before,” said Sharon Romero, one of the parents of the plaintiffs in the case. “Every parent is entitled to know the placement of their child and should have enough time to plan for any transitions, especially for students with autism.”

By order dated February 19, 2013, the Court granted the plaintiffs’ motion for summary judgment and certified the case as a class action, ordering the School District to “alter its upper-leveling process for students with autism such that it provides class members with prior written notice and a level of parental participation consistent with the procedural requirements” of the federal special education statute.

The settlement fleshes out the details of the Court’s February order. The School District must now formally alert parents of children with autism in January of each year that their child may be transferred to a new school, listing the proposed school, if known, and informing parents of their rights to participate in a formal meeting with school officials (an Individualized Education Plan, or IEP meeting) to discuss the transition. Teachers and school officials will also receive formal acknowledgement of transfers. By June 1 of each year, the District must provide an official letter of transfer and inform parents of their rights to challenge the circumstances of their own transfer through a formal administrative hearing called a due process hearing. The District also must publish a listing of Autism Support classrooms on its website by mid-October of each year so that if parents wish to try to have their children in such a classroom, they know where these services exist. Previously there was no such comprehensive list.

“This is a significant step in making sure that parents have basic information about their children, and have real input into decisions as to where their children are going to school,” said Sonja Kerr, director of disabilities rights at the Public Interest Law Center of Philadelphia and co-counsel on this case. “These are major legal protections that parents, who know their children best, have long needed to be the most effective advocates for their children.”

“This is an outstanding resolution for children with autism and their families who, with the early notice now provided, can plan effectively with the child's IEP team for proposed changes in educational placement,” said David Stanoch of Dechert LLP.

Parents are encouraged to attend the fairness hearing on Tuesday, June 3, 2014 from 9:30 a.m. – 12:00 p.m. in Courtroom 6A at the U.S. District Courthouse located at 601 Market Street.

More information on this case can be found here: <http://www.pilcop.org/stopping-the-autism-shuffle/>

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The Public Interest Law Center of Philadelphia uses high impact legal strategies to improve the well-being and life prospects of the Philadelphia region's most vulnerable populations by assuring that they have access to the resources and services that all of us need to lead our lives including a high-quality education, health care, housing, employment, safe and healthy communities and the right to vote. Learn more at www.pilcop.org.