



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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Robert L. Archie Jr., Chairman and Members
of the School Reform Commission
440 N. Broad Street
Philadelphia, PA 19130

Dear Chairman and Members of the School Reform Commission:

Thank you for the opportunity to address the upcoming budget.

I wish to address the proposed changes and cuts to special education funding and the manner in which the decisions are being made. As you may know, each child identified as eligible for special education services through the Individuals with Disabilities Education Act ("IDEA") must have an individual education plan ("IEP"). The IEP states the amount and type of special education services the child is to receive. IEPs are created annually by teams throughout the district, at varying times throughout the year. IEPs for thousands of children in the District have been created, are in place and cannot legally be changed without parental involvement.

Attached is a page from a blank IEP to help clarify the problem. You will see that each student has a certain amount of special education assistance/teacher time identified in the IEP. One of the three boxes is checked which describes the type of service the child is to receive: itinerant, supplemental or full-time. Itinerant services are those provided by special education personnel for 20% or less of the school day (so in a 7.5 hour day, about 1.5 hours). Supplemental services are special education services provided for more than 20% of the day but less than 80% of the school day; thus, 1.5 hours a day to 6 hours a day. And of course full time is more than 80% of the school day which would be 6 hours to 7.5 hours a day. There are thousands of these IEPs. Each of them has one of these three boxes checked in the IEP and the hours of service are mandated by same.

The District's budget broadly states that funding for Special Education Liaison positions will be cut by 77% but suggests that there is nothing to worry about because these positions are not teaching positions. Yet, the District's budget at pg. 150 refers to the loss of 224 special education teachers. What special education teachers will be lost; will a teacher be lost such that one child's IEP changes from supplemental services to itinerant or from full-time to supplemental?

The District's budget broadly states that funding for teachers for Learning Support and Emotional Support classes will be reduced by 5% but says staffing will be

unaffected. How can this be? How many teachers will be lost? Whose IEP will be left unfulfilled in whole or in part by this reduction? Which child will not have the help that the child needs as mandated by his already agreed-upon IEP? If this number is only SELS, then what special education teacher will not have release time to attend which child's IEP meetings and comply with IEP reporting requirements of the child's IEP?

It does not appear the District has conducted any detailed review of how these reductions will play out. Without such a review, it is unknown how many IEPs and which IEPs will be affected. But it is most certainly the case that those parents who learn that their child's IEP is adversely affected will be able to file for special education due process hearings and appropriately demand compensatory education. This will only result in more costs to the district for attorney time, and teacher time at additional meetings and hearings.

Without a measured review of this situation, the special education budget should be left unaffected or the District risks widespread non-compliance with the federal IDEA requirements as the IEPs are already in effect. This is the requirement to ensure a quality education for children with disabilities.

The quality education required by the IDEA is one which the District should strive to provide for all children and such an education is not served by the present proposed budget.

Cordially,



Sonja D. Kerr
Director, Disability Rights Projects

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Encl.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Student's Name:

B. Type of Support

1. Amount of special education supports

- Itinerant: Special education supports and services provided by special education personnel for 20% or less of the school day
- Supplemental: Special education supports and services provided by special education personnel for more than 20% of the day but less than 80% of the school day
- Full-Time: Special education supports and services provided by special education personnel for 80% or more of the school day

2. Type of special education supports

- Autistic Support
- Blind-Visually Impaired Support
- Deaf and Hard of Hearing Support
- Emotional Support
- Learning Support
- Life Skills Support
- Multiple Disabilities Support
- Physical Support
- Speech and Language Support

C. Location of student's program

Name of School District where the IEP will be implemented: _____

Name of School Building where the IEP will be implemented: _____

Is this school the student's neighborhood school (i.e., the school the student would attend if he/she did not have an IEP)?

Yes

No. If the answer is "no," select the reason why not.

Special education supports and services required in the student's IEP cannot be provided in the neighborhood school

Other. Please explain: