

## **Notice to Parents of Students With Disabilities Attending Chester Upland School District Schools**

### ***Notice of Hearing to Settle Class Action Litigation:***

This Notice describes a proposed Settlement Agreement between parents of students with disabilities who attend Chester Upland School District schools, the Commonwealth of Pennsylvania, the Pennsylvania Department of Education, the Secretary of Education, and the Chester Upland School District. This Notice tells you what the parties have agreed to do, how to get more information, and how to object to the proposed Settlement Agreement if you think it is not fair as it relates to the special education services in the District.

In January 2012 the Chester Upland School District sued the Pennsylvania Department of Education and state officials in federal Court to prevent the closing of the District's schools and the denial of special education services to students with disabilities. The case is called *Chester Upland School District v. Commonwealth of Pennsylvania, et al., C.A. No. 12-132*. Parents of certain students, represented by the Public Interest Law Center of Philadelphia, were permitted to join the suit against the state and to add the School District as an additional defendant. The Pennsylvania Statewide Conference of the NAACP was also permitted to join as a plaintiff. In May the Court certified the case as a class action, with the class consisting of parents of students with disabilities enrolled in the Chester Upland School District.

After a 10 day trial on the issue of whether the school district will be able to provide in the 2012-13 school year programs and services for students with disabilities in accordance with federal law, the parties have reached a Settlement Agreement and have filed a motion requesting the court to approve it.

**On August 15, 2012, at 10 o'clock in Courtroom 3A of the U.S.  
Courthouse, 601 Market Street, Philadelphia, PA. 19107, Judge Baylson**

**will hold a fairness hearing to receive testimony on whether to approve the Settlement Agreement.**

The Settlement Agreement does not affect the right of any individual students or their parent(s)/guardian to claim the student was denied special education programs or services which he or she was entitled to receive under state or federal law and to seek appropriate relief.

The Settlement Agreement provides the Commonwealth will provide \$20.5 million in funds, which it and the District warrant are sufficient to eliminate past operating debts of the District to vendors, charter schools and district staff through the end of the 2011-12 school year, as well as \$9.7 million in additional appropriated funding for 2012-13. The District agrees that it will undertake activities set forth in the Settlement Agreement to improve its special education programs, including adding personnel and development and implementation of a new or revised Special Education Plan. The Commonwealth also agrees that it will appoint a Special Education Officer located in the District with express authority to ensure that students with disabilities in the CUSD receive a free appropriate public education, that that class members through their attorneys will receive information on the status of the District's activities. The Court will retain jurisdiction of the Settlement Agreement for a year for the limited purpose to hear claims that the Settlement Agreement is not being implemented on a class-wide basis.

In return, the Settlement Agreement provides the District will drop all of its lawsuits against the Commonwealth pending in state and federal courts, and the class members will drop all claims that were or could have been asserted in this litigation. (Again, however, no individual student is waiving his or her right to file a due process complaint.) Class counsel will receive a payment toward its

fees and expenses from the Commonwealth of \$260,000. Class counsel will receive no additional fee for monitoring the Agreement.

Copies of the Settlement Agreement and the Complaints in the case can be found on the website of the District, [www.chesteruplandsd.org](http://www.chesteruplandsd.org) or class counsel, [www.pilcop.org](http://www.pilcop.org) . For further information about the settlement or fairness hearing, you can contact class counsel, The Public Interest Law Center, at [cusdsettlement@pilcop.org](mailto:cusdsettlement@pilcop.org) or at 267-546.1305.

**HOW TO OBJECT TO THIS SETTLEMENT AGREEMENT  
IF YOU THINK IT IS UNFAIR**

**If you do not want to object to this proposed Settlement Agreement, it is not necessary for you to take any action.** If, however, you want to comment on the proposed Settlement Agreement or object to it as not being fair, you or someone on your behalf may file written comments or objections on or before August 13, 2012. **Written comments and objections should be submitted to the Court at this address: Office of the Clerk, United States District Court for the Eastern District of Pennsylvania, 601 Market St., Philadelphia, PA 19106. Attn: CUSD v. Commonwealth of Pa.**

You should send a copy of your comments to the attorneys for each party at the addresses below.

Attorneys for the Class:

The Public Interest Law Center of Philadelphia,  
1709 Benjamin Franklin Parkway,  
Philadelphia, PA, 19103,  
ATTN: CUSD Settlement  
or via email to [cusdsettlement@pilcop.org](mailto:cusdsettlement@pilcop.org) ;

Attorneys for the Commonwealth:

Saul Ewing LLP  
2 North Second Street, 7<sup>th</sup> Floor  
Harrisburg, PA 17101  
ATTN: Amy Foerster

Attorneys for the District:

Leo Hackett, Esq.  
102 Chesley Drive, Suite 1A  
Media, PA 19063