



PUBLIC INTEREST LAW  
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March 4, 2013

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Dr. William R. Hite, Jr., Superintendent  
School District of Philadelphia  
440 North Board Street  
Philadelphia, PA 19130

Dear Superintendent Hite:

We have reviewed the District's most recent list of school building closures revised as of February 28, 2013. While we appreciate the reduction in the number of buildings and programs to be closed and/or relocated, we remain very concerned about the impact such recommendations will have on children with disabilities and children who have English as a second language. We write requesting the District's "road map" or plan to ensure appropriate services for children with disabilities and children who have English as a second language.

**Children with Disabilities.**

Specifically, with respect to children with disabilities eligible for services under the IDEA<sup>1</sup>, we cannot fathom how District staff will be able to hold Individualized Education Program ("IEP") meetings to properly plan for transfers of children from one school building to another with the number of days left in the school year. Assuming the SRC votes on March 7, 2013 and accepts all the proposed changes, there are some 69 days left before the last day of school. By our calculations, the revised list includes an estimated 1825 students on IEPs. By law, all children must have in place an IEP that contains the child's "present" levels of performance and such an IEP must be in place on the first day of school. 34 C.F.R. §§ 300.323, 300.320.

A typical IEP team meeting process works like this:

1. The parents must be given ten days notice of the IEP Team Meeting, and the meeting must be held at a convenient time. Parents have to be given notice of the meeting early enough that they will have an opportunity to attend and the meeting has to be scheduled for a mutually agreed on time and place. 34 C.F.R. § 300.322(a).

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<sup>1</sup> This letter does not specifically address students who have disabilities that are accommodated through Section 504 plans; we have the same types of concerns for them as children on IEPs, although the process is slightly different.

2. The notice to be provided parents must indicate the purpose, time, and location of the meeting and who will be in attendance. Unless the parent waives the attendance of an IEP Team member, the member must be present. Members of IEP Team meetings are typically: the special education teacher, regular education teacher(s), school district Local Educational Agency representative (i.e. principal), and related services staff (i.e. Occupational Therapists, Speech Therapists, Counselors, Social Workers). 34 C.F.R. § 300.322, 34 C.F.R. § 300.34. In addition, parents are entitled to bring individuals they want to the meetings, such as special education advocates, private providers, or attorneys.
3. Parents with deafness or whose native language is other than English are entitled to interpreters. 34 C.F.R. § 300.322(f).
4. If parents cannot make the first meeting due to scheduling, the District must track efforts to involve the parents before holding the meeting without the parent. 34 C.F.R. § 300.322.
5. The IEP of each student with a disability must include "a description of the type or types of support that the student will receive at the receiving school and the IEP teams must first consider the regular education classroom(s) 22 Pa. Code§ 14.131. This is the receiving school. 22 Pa. Code§ 14.131. Each IEP must list the location where the child will attend school and whether this is the school the child would attend if the student did not have an IEP.
6. At each IEP Team meeting for a student with disabilities, the team must also decide about whether the child is eligible for Extended School Year services for summer 2013 and make determinations about the services to be provided. Students with severe disabilities, including autism, serious emotional disturbance, and other severe disabilities must have expeditious determinations of eligibility with the IEP review meeting occurring no later than February 28<sup>th</sup> of each school year, and a Notice of Recommended Educational Placement for ESY by no later than March 31 of the school year. 22 Pa. Code§14.132(d). Students with other disabilities are also entitled to timely ESY determinations. We are not certain if these requirements were or are being met given the reorganization. One of the typical locations for ESY is University City High which is scheduled for closure.

We are concerned that the normal process above is complicated enough for one child. The difficulties appear insurmountable when there is a known move coming and it impacts some 1825 students. Once the SRC decision is made, it will be critical to ensure that the process is completed in a way that affords full parental participation and ensure IEPs to be used at receiving schools by new personnel at those schools. Because many changes are in flux, it is not clear if the changes will afford sufficient time and planning so that the net result is informed parents, current and correct IEPs for children at receiving schools with sufficient staff at same, as well as ESY planning, and of course, with an assurance that all children are being placed in the least restrictive environment at their receiving school.

With the vast number of changes occurring in the District, and the large number of special education students impacted, we are at a loss to determine how the District will accomplish this requisite process for each of the 1825 students we estimate will be impacted. A typical IEP

meeting – if all goes well and all parties agree – can and usually does last at least 1-2 hours. Often information is missing and parties may need to reconvene. Assuming conservatively only one IEP Team meeting for each eligible student, the district is looking at thousands of hours of manpower, not counting the time to prepare for the meeting, reconvening the meetings, or unusual situations requiring two or more meetings (which happens frequently).

If all parents of the estimated 1825 students were provided notice of an IEP Team meeting immediately after the SRC's determination (i.e. March 8<sup>th</sup>), and if all parents were able to attend (unlikely) the first scheduled dates offered, it is still unlikely that there is enough manpower to carry out in a procedurally correct fashion, the necessary IEP Team meetings before the closure of school on June 13, 2013.<sup>2</sup>

### **Children who have English as a Second Language/Parents Needing Language Access.**

The District has some 18,785 students whose parents have indicated that they need language access through this school closure process. The District has recently approved a Request for Proposals for a mere \$50,000 for the next 1.5 years to provide translation services for these families. This is a grossly insufficient amount. Generally, the nonprofit rate for translation services is 18 cents per word (for Spanish)<sup>3</sup>. Any individually tailored documents, such as notices of meetings, IEPs, or even just letters about transfer information, will need to be translated and staff cannot rely upon stock "forms." Usually there are about 250 words in a typical page, so at 18 cents a word, that is about \$45 a page. The District's "budget" allows only about 11,000 students to receive 1 page of translation one time. A typical notice to a parent for an IEP meeting is two pages. A typical IEP is at least 20 pages. A one page letter to each student about transfers and limited to 250 words and given to parents of all 18,785 students would cost \$84,532.50.

### **Request**

Therefore, we request the District to set forth a detailed plan including but not limited to the following:

1. An agreement that the SRC will provide sufficient additional special education funding to employ special education services staff- including teachers, and related services staff – not just administrators – to staff IEP teams from March 8, 2013, and then through the end of August, 2013. We are not certain if the unions will agree to this.
2. We appreciate that some groups have requested a one year moratorium so that sensible and sensitive decisions can be made in thoughtful IEP meetings with full parental notice and participation. An alternative is an agreement to reduce the number of closings so that the number of students with IEPs to be transferred are compatible with the number of quality IEPS the District can actually accomplish before a school opens, with full parental notice and participation or an agreement that schools which have special education

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<sup>2</sup> Assuming a workday of 6.5 hours, and a one hour meeting for each child, 297 full work days are needed (1,931/6.5).

<sup>3</sup> The rate is higher for other languages.

populations greater than the District transfer norm – which is 7% - will not be closed until at least next school year.

3. A realistic translation and interpretation budget specifically for the building closures and transfer process.
4. An assurance that on the first day of school and for all of next year, all receiving buildings will have a sufficient building allowance (paid for by the central office, not the building budget) for translation and interpretation services to assist with the transition. The receiving schools must have appropriate ESL services to accommodate new students


This is particularly important if, for example, as proposed, Bok students are transferred to South Philly High.

Thank you for your attention to this most important matter.

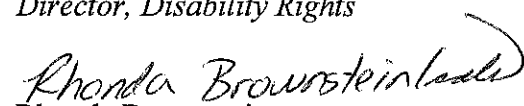
Very truly yours,




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cc: Pedro Ramos, SRC Chair  
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