

**Notice to Parents of Students with Autism in the
School District of Philadelphia**

Notice of Hearing to Settle Class Action Litigation:

This Notice describes a proposed Settlement Agreement between parents of students with autism who attend school in the School District of Philadelphia and the School District of Philadelphia (the "Parties"). This Notice tells you what the Parties have agreed to, how to get more information regarding the Settlement, and how to object to the proposed Settlement Agreement if you think it is not fair as it relates to the provision of special education services in the School District.

On January 20, 2011, Plaintiffs, students with autism and their parents sued the School District of Philadelphia and challenged the School District's policy and practice of automatically transferring, or "upper-leveling," K-8 students with autism to different schools, without prior notice or input from parents or other Individualized Education Program ("IEP") team members. This case is called *P. V. v. The School District of Philadelphia*, No. 2:11-cv-4027 (E.D. Pa.).

By Orders and Memorandum Opinions entered on February 19, 2013, the Court granted in part and denied in part cross motions for summary judgment (Docs. 74 and 75) and granted Plaintiffs' motion for class certification under Federal Rules of Civil Procedure 23(a) and 23(b)(2) with respect to the claims on which summary judgment was entered for Plaintiffs (Docs. 72 and 73). The Court granted summary judgment in favor of the Plaintiffs on Plaintiffs' claims that the decision-making process leading up to the transfer of a student with autism is conducted with little to no parental notice or involvement, and without the required consideration of the child's individualized circumstances. Accordingly, the Court ordered the School District to "alter its upper-leveling process for children with autism to provide prior written notice and a level of parental participation that complies with the procedural requirements under the IDEA." (Doc. 74).

To avoid further litigation, the Parties have reached a Settlement Agreement and have filed a motion requesting the Court to approve it.

On June 3 2014 at 9:30 o'clock in Courtroom 6A of the U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, Judge Davis will hold a fairness hearing to receive testimony on whether to approve the Settlement Agreement.

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The Settlement Agreement does not affect the rights of any individual students or their parent(s)/guardian(s) 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 seek appropriate relief.

The Settlement Agreement simply mandates that the School District must provide notice and an opportunity for parental participation before upper-leveling class members. Once the Settlement Agreement is effective, the School District must:

- (1) publish a list of all the schools within the School District that have Autistic Support classrooms, and the grade range of those classrooms, by October 15 of each year;
- (2) provide two letter notices – one in January and one in June – to class members prior to transferring them; and
- (3) inform parents that they can discuss the proposed transfer and their child's needs at an IEP meeting and retain their rights to challenge their child's individual transfer.

The Parties agreed to end the lawsuit in exchange for this Settlement Agreement. (Again, however, no individual student is waiving his or her right to file a due process complaint regarding his/her education.) Class counsel will receive a payment toward its fees, expenses and costs from the School District of \$325,000. Class counsel will receive no additional fee for monitoring the Settlement Agreement.

Copies of the Settlement Agreement and Complaint in the case can be found on the website of the School District, <http://www.phila.k12.pa.us/>, or class counsel, www.pilcop.org. For further information about the Settlement or fairness hearing you can contact class counsel, The Public Interest Law Center at PVAutismsettlement@pilcop.org or at 215-627-7100 ext. 258.

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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 do anything. 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 May 22, 2014. **Written comments and objections should be submitted to this address: Office of the Clerk, United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106. Attn: Judge Davis**

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

Attorneys for Plaintiff Class:

PUBLIC INTEREST LAW CENTER OF PHILADELPHIA
c/o Sonja Kerr
1709 Benjamin Franklin Parkway, 2nd Floor
Philadelphia, PA 19103
Or via email to: skerr@pilcop.org

Attorneys for the School District:

SCHNADER HARRISON SEGAL & LEWIS LLP
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1600 Market Street, Suite 3600
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