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FOR IMMEDIATE RELEASE

July 15, 2014

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**Parents Resolve Individual Disputes with Elwyn for Failing
to Provide Needed Services to Kids with Disabilities**

PA Bureau of Special Education twice finds Elwyn out of compliance with state and federal regulations, but five families find follow up inadequate

Philadelphia, Pa. – Five families recently filed administrative actions to insist that Elwyn, one of the nation’s oldest service providers for individuals with disabilities, and the state officials charged with its oversight, compensate their preschool children with disabilities for delays, lapses, and other shortcomings in the provision of necessary support services. The parents are represented by the Public Interest Law Center of Philadelphia.

The Commonwealth contracts with Elwyn to provide services to approximately 7,000 preschool-age children residing in Philadelphia. In 2010 and 2012, the state conducted investigations and found Elwyn to be out of compliance with state standards and the federal Individuals with Disabilities Education Act for delaying the initiation of services and for lapses in services caused by the unavailability of or shortages in needed providers. Elwyn suggests it has made sufficient progress in eliminating backlogs and service interruptions. Delays and lapses persist, however, as a result of regional and state-wide shortages of qualified service providers such as speech and language and physical and occupational therapists. The families fault state officials for not taking sufficient action to overcome these shortages with Elwyn and other preschool program contractors.

“Elwyn’s failure to provide services to our children hurt our kids’ chances for continued educational success,” said Shannon Pakstis, a parent of one of the five students. “We will not back down until all students receive the services they deserve. State officials know very well what is happening here and they haven’t done enough to change it.”

The five students in these cases have autism and participated in preschool programming at Elwyn for between two and three years with shortfalls in the services specified in their Individualized Education Plans (IEPs), such as sufficient hours of one-to-one Applied Behavioral Analysis instruction, speech and language instruction, and occupational therapy. In the state’s investigation reports, state officials acknowledged that Elwyn had failed to remedy delays and gaps in their services. Even Elwyn administrators conceded that the program remains out of compliance. They assert, however, that lapses of the sort called to the attention of the state in 2010 and 2012 have been substantially addressed.

Some parents whose children suffered service delays and interruptions were offered passes to the Please Touch Museum or Philadelphia Zoo, not the compensating hours of service which are so

important to help young children progress. While Elwyn contended that experiences available at the museum or the zoo could be educationally beneficial for very young children, it has agreed as a condition of settlement not to resume this practice in the future.

“After finding Elwyn out of compliance for years, state officials have not been proactive to solve systemic issues. State officials should begin to be responsible to ensure that more children are not denied services. We will hold both Elwyn and the Commonwealth responsible to make sure children receive services they need; if part of the problem is funding or lack of providers, then the Commonwealth should step up and solve those problems,” said Sonja Kerr, director of Disabilities Rights for the Public Interest Law Center of Philadelphia.

Andrew Faust, counsel for Elwyn, noted that, “All five families were offered compensatory services for admitted delays or lapses in the services required in their children’s IEPs and, in some cases, for group implementation of services that arguably should have been provided one-on-one. None were offered Zoo or Please Touch Museum passes. Make-up services were, in most cases, offered within weeks or a few months at most of the error. In some cases, the make-up services were implemented; in others, the families refused to allow Elwyn to provide services that might have remedied any effects of delayed or interrupted programming.”

Faust added, “Elwyn is grateful to have at last resolved this dispute. This organization is not in the business of harming the very children with disabilities to whom it has dedicated its entire mission. Elwyn is not about to walk away from them because the job is hard. Well before these complaints were filed, Elwyn had completed a thorough review of the program in which the children in question were enrolled. As a result of that review changes were made. Elwyn has appointed new leadership to improve supervisory and clinical oversight, established a relationship with the University of Pennsylvania to provide ongoing training and technical assistance in current evidence-based practices for educating children with autism, and made system-wide enhancements to its database to provide more detailed and timely tracking of service interruptions, including the timely correction of interruptions when they occur. The new leadership team has improved communication with parents regarding service interruptions and delays, expanded Elwyn’s Parent Partner program to provide better working relationships with families, and expanded community based service providers to minimize service delays and interruptions. Indeed, service delays and interruptions have been reduced dramatically.”

If you are a parent of a child who has or is attending Elwyn and is not receiving needed services, please contact Sonja Kerr at skerr@pilcop.org or 610-675-7192.

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The Public Interest Law Center of Philadelphia is a nonprofit law firm that uses high-impact legal strategies to improve the well-being and life prospects of the region’s most vulnerable populations by securing access to six deeply intertwined resources – a high-quality public education, healthcare, employment, housing, healthy neighborhoods, and the right to vote. Learn more at www.pilcop.org or @PILCOP1969.