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CONTACT: Sean McGrath, Education Law Center, 215.383.0510, [smcgrath@elc-pa.org](mailto:smcgrath@elc-pa.org)

# **Pennsylvania Department of Education Finds School District of Philadelphia Violated the Rights of At Least 800 Children Starting Kindergarten**

*Department of Education responds to complaint filed by the Education Law Center, orders School District of Philadelphia to take corrective action*

PHILADELPHIA, PA (October 20<sup>th</sup>, 2017) - The Education Law Center has successfully filed a complaint against the School District of Philadelphia on behalf of hundreds of students with disabilities who were not provided with needed services after entering kindergarten or first-grade. The Pennsylvania Department of Education has issued corrective action in response to the complaint, requiring the School District of Philadelphia to issue compensatory education services for all children who were denied a free, appropriate, public education due to the District’s delay and inaction. The Education Law Center applauded the Department’s findings and intervention but also requested further corrective action.

“The Department’s decision represents an important first step towards ensuring that all young children with disabilities receive the critical special education services they need from day one and are not forced to languish in Kindergarten or First Grade without the programming and support to which they are legally entitled,” said Sean McGrath, an attorney with the Education Law Center. “However, we also believe that further and more specific corrective action is also necessary to ensure that each child receives the services and supports they need.”

The issuance of compensatory education is to be verified through a compensatory education plan submitted to the Bureau for each child who was denied services. The Department’s Complaint Investigation Report (CIR) found that out of the 836 children transitioning to the School District of Philadelphia who required re-evaluations, the District completed only 36 or 4% of special education re-evaluations within the mandatory 60-day timeline required by federal regulations. Re-evaluations for 313 children had still not been completed by the time the CIR was issued on October 6<sup>th</sup>.

The Report further found that for those children who eventually received re-evaluations, only one-third received an Individualized Educational Program (IEP) meeting within the 30-day timeline required by federal law. As of the date of the Report, five weeks after the school year began, the District still had not

completed the IEP process for the remaining two-thirds.

“It is our hope that the Bureau will take all the necessary steps to ensure an adequate remedy for children and that the District will undertake needed reforms to ensure that every child enters school with appropriate programming and services in place as required by law,” McGrath said.

A copy of the original complaint and complaint investigation report, can be found at <http://bit.ly/2yvBobT>.

*The Education Law Center-PA works to ensure that all children in Pennsylvania have access to a quality public education, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English language learners, and children experiencing homelessness. For more information, visit [www.elc-pa.org](http://www.elc-pa.org) or follow @edlawcenterpa on Twitter.*