



## EDUCATION LAW CENTER

### FOR IMMEDIATE RELEASE

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## **PDE Orders Philadelphia School District to Create New System to Protect Students with Disabilities Experiencing Homelessness**

*Philadelphia* – ELC has secured an important victory for unaccompanied students with disabilities experiencing homelessness in Philadelphia and statewide. As a result of a complaint filed by ELC with the Pennsylvania Department of Education (PDE), these vulnerable students living on their own will have surrogate parents promptly appointed to enforce their rights in the special education system.

Absent the prompt appointment of a surrogate parent, unaccompanied students under age 21 are unable to enforce their legal rights, leaving them without a mechanism to get the services they need in school. Federal law requires school districts to appoint surrogate parents within 30 days to represent unaccompanied students throughout the special education process. It also permits school districts to authorize shelter staff to serve as temporary surrogate parents until a permanent surrogate parent can be appointed.

Through our partnerships with shelter providers, ELC learned of two unaccompanied students with disabilities in the School District of Philadelphia who were not assigned surrogate parents. Both suffered severe educational consequences: one student was pushed through to graduation and forced to forfeit future educational rights; the other student languished in a life-skills classroom that could not meet her needs.

In response to ELC's complaint, a state investigation revealed that both students' rights were violated and that the District did not have an adequate system to track and assign surrogate parents. Alarming, it also found that the District had only assigned *two surrogate parents* across the District during the previous school year for all children in foster care or experiencing homelessness.

In a November 8 Complaint Investigation Report, PDE's Bureau of Special Education ordered the district to design a new system to ensure surrogate parents are appointed promptly. It also ordered PDE to issue specific guidance to all school districts about their legal obligations to assign surrogate parents. For both named students, the Bureau ordered the immediate assignment of surrogate parents and awarded compensatory education services.

"The state's action in this matter represents vital progress for unaccompanied youth with disabilities, who will now have a system that identifies and serves them," said Paige Joki, Independence Foundation Public Interest Law Fellow at the Education Law Center. "As our clients' cases illustrate, youth who are on their own risk being pushed to graduate or being deprived of services they desperately need to succeed in life."

During the 2016-17 school year, over 4,000 students [statewide](#) were unaccompanied.

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*The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness. For more information, visit [elc-pa.org](http://elc-pa.org) or follow on Twitter [@edlawcenterpa](https://twitter.com/edlawcenterpa).*