

Legislation Text

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Calling upon the School Reform Commission to reject Resolution IU 7: *Alternative Special Education Program for students with disabilities in grades K through 12* that seeks to establish a new segregated school for certain students with disabilities, and to insist that the School District provide quality, inclusive education to every child.

WHEREAS, Every child deserves a quality, dignified education, legally and morally, which is obtained by the inclusion in general education classrooms of students with and without disabilities, in more favorable outcomes for all, as over 20 years of research has consistently demonstrated; and

WHEREAS, The systemic and unnecessary isolation and segregation of students with low-incident disabilities contravenes Title II of the Americans with Disabilities Act ("ADA"), which prohibits such segregation of persons with disabilities in state and local programs, services, and activities; and

WHEREAS, The Individuals with Disabilities in Education Act ("IDEA") requires that all students with disabilities be educated in the "least restrictive environment," which means inclusion education in regular classes alongside children who are not disabled with the use of supplementary aids and services to the fullest extent possible given the nature and severity of each child's disability; and

WHEREAS, Across the country, this Commonwealth, and our City, students with disabilities, their families, and allied advocates have engaged in long, difficult campaigns inside courtrooms and classrooms, and outside them, to obtain the education due to these children as enshrined in those and other laws; and

WHEREAS, In 2005, in the *Gaskin v. Commonwealth of Pennsylvania* decision, these parties obtained a groundbreaking statewide class action settlement on behalf of over 280,000 students with disabilities that promoted placement in mainstream settings, expanded related services and accommodations, mandated new policies and provided greater technical assistance and on-site training to schools on inclusion, and created new complaint and monitoring processes at the state level; and

WHEREAS, Despite that and similar victories, with mere days notice and hardly any public airing of intentions or details, the School District of Philadelphia ("SDP") is now proposing a 36 million dollar contract to establish a new segregated school for students with low-incident disabilities, scheduled to accept 200 students beginning in September 2017, and expand to serve 600 students by June 2022 with costs beginning at \$36,073,350 and increasing up to \$54,473,350 by June 2022; and

WHEREAS, The answer for these children is to support District-operated inclusive settings that provide appropriate programming and services, and training and support to teachers and administrators to sustain an inclusive culture that models high expectations of success for all children; and

WHEREAS, Resolution IU 7 threatens to deny students with low-incident disabilities their legal entitlement to be educated in the least restrictive environment alongside their non-disabled peers as required by federal and state laws, raising significant legal, educational, financial, and procedural concerns; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That this Council does hereby respectfully call upon the School Reform Commission to reject Resolution IU 7: Alternative Special Education Program for students with disabilities in grades K through 12 that seeks to establish a new segregated school for certain students with disabilities, and to insist that the School District provide quality, inclusive education to every child.

FURTHER RESOLVED, That copy of this Resolutin be transmitted to the School Reform Commission as evidence of the sentiments of this legislative body.