

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION

October 14, 2005

SUBJECT: Penn*Link on Settlement Agreement in Gaskin v. PA

TO: School District Superintendents
Intermediate Unit Executive Directors
Charter School Administrators
School District Special Education Directors
Intermediate Unit Special Education Directors
Approved Private School Administrators
Institutions of Higher Education
Educational Associations

FROM: Linda O. Rhen, Ed.D.
Director

On September 19, 2005, Judge Eduardo Robreno of the Eastern District Court of Pennsylvania granted the motion for final approval of the Settlement Agreement in Gaskin v. PA. This ends over ten years of litigation regarding the education of students with disabilities. The goal of the settlement is to ensure that Individualized Education Program (IEP) teams consider the regular classroom with supplementary aids and services before considering a more restrictive placement. It does not usurp the role of the IEP team in making individualized placement decisions tailored to the needs of specific students.

Under the Settlement Agreement, the Pennsylvania Department of Education is responsible for undertaking a series of activities, including: formation of an advisory panel, Least Restrictive Environment monitoring, training and technical assistance, and a mini-grant program to support the development and expansion of inclusive practices. In addition, materials that make it clear that all children are welcome will be developed for display in public schools.

As we move forward, information on implementation of the Settlement Agreement will be posted on the Department's website, see "Gaskin Implementation" site.
http://www.pde.state.pa.us/special_edu/cwp/view.asp?a=177&Q=109539
The entire Settlement Agreement, an overview PowerPoint presentation and other informational documents are currently available on the website and will continue to be available. As of this writing, the Department is posting on our website, fact sheets which address specific aspects of the Settlement Agreement: "Advisory Panel," and "Training and Technical Assistance." As new information becomes available, a notice via Penn*Link will be sent to all users and the information will be posted on the website. As issues arise regarding implementation of the Settlement Agreement, the Department will seek Advisory Panel input and may also seek input from educational stakeholders.

Under the Settlement Agreement, the Department will make specific changes to the IEP form and the annotated IEP. Additionally under the Settlement Agreement, students with disabilities who have an IEP; and who also are entitled to gifted support and a Gifted Education Plan (GIEP); or Chapter 15 accommodations will have a single individualized education plan ("single plan") incorporating all specially designed

instruction, accommodations or other support identified by the IEP team. The Advisory Panel may make recommendations to the Bureau Director related to the use of a single plan. The Department will be providing additional guidance to school districts related to developing a single plan per the Settlement Agreement.

The Department has arranged for the Special Education CONSULTLINE service, a parent helpline administered by the Office for Dispute Resolution, to respond to information requests and inquiries from parents and advocates of children with special needs. Parents and advocates may contact the Special Education CONSULTLINE at 1-800-879-2301 (Voice/TTY/TDD) and/or view additional information at <http://parent.pattan.net>. Callers to the CONSULTLINE may need to leave a message; although CONSULTLINE strives to return all calls within twenty four (24) hours, during periods of high call volume, the response time may be two to three business days. To maximize the likelihood of a CONSULTLINE Specialist reaching a parent or advocate, callers are asked to give dates and times when they will be available to receive a call back.

The Bureau of Special Education (BSE) will continue to handle complaints, including those related to placement issues, through the complaint management system. Information on the complaint management system is available on the Department website at http://www.pde.state.pa.us/special_edu/cwp/view.asp?a=177&Q=73062&G=214&

The Department will select three individuals to serve on the Advisory Panel for Implementation of the Gaskin Settlement Agreement. For Panel membership, we are seeking the names of parents of students with disabilities and other interested individuals who have experience in school administration, classroom instruction, professional development and inclusive practices. Parties who are interested in serving on the Advisory Panel should submit a letter of interest along with a brief resume to Jodi Rissinger at the Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333 or via e-mail at jrissinger@state.pa.us. Letters of interest and brief resumes should be received no later than November 1, 2005.

We appreciate your cooperation as we begin implementation of the Settlement Agreement. We request that you forward this information to all pertinent staff members and share it with the stakeholders in your district, school, or agency.