



# **DISABILITY RIGHTS**

## **PENNSYLVANIA**

Disability Rights Pennsylvania  
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Testimony by Disability Rights Pennsylvania  
before the School Reform Commission  
JULY 6, 2017

My name is Gabe Labella, and I am a staff attorney at Disability Rights Pennsylvania and a member of the Philadelphia Coalition of Special Education Advocates. Disability Rights Pennsylvania is the protection and advocacy organization in Pennsylvania designated under federal law to advocate for and protect the rights of children and adults with disabilities. Disability Rights Pennsylvania strongly opposes any action by the District that will result in the segregation of students with disabilities.

Several weeks ago, the District announced its intention to establish a full-time alternative special education program for students with disabilities to serve both students currently placed by the District at Wordsworth and an additional 120 special education students purported to be on a "waiting list" for similarly approved private school placement. We currently understand that the District now intends to serve only the Wordsworth students in the newly-developed alternative program.

While it is laudable that the District intends to bring the Wordsworth students back to the district, the District will undo that good act if it develops a separate school within a school in Philadelphia to continue to segregate these students. When provided with appropriate mental health, behavioral, and therapeutic educational services and supports, the vast majority of the students with disabilities can participate in the curriculum, instruction, elective courses, extracurricular activities, and other educational services in integrated settings, including general and special education classrooms in students' neighborhood schools.

### **Protecting and advancing the rights of people with disabilities**

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In addition to the District's Least Restrictive Environment (LRE) mandate under the Individuals with Disabilities Education Act (IDEA), unnecessarily segregating students or placing them at serious risk of such segregation violates Title II of the Americans with Disabilities Act ("ADA"), which prohibits unnecessary segregation of persons with disabilities in public programs, services, and activities. 42 U.S.C. §§ 12131-34; 28 C.F.R. § 35.130(d); see also *Olmstead v. L.C.*, 527 U.S. 581, 597 (1999). The chief purpose of the ADA is to end discrimination against, and the isolation of, individuals with disabilities. 42 U.S.C. § 12101(a)(2), (a)(3), (a)(5).

The District's proposal states that "the goal will be to have students attend parts of the school day with general education peers". Setting up these programs in buildings with the general education student population with maximum opportunity for inclusion, should not be aspirational, it should be required. If not, the District risks spending over \$10 million on programs that discriminate against students with disabilities. The District has the opportunity now to invest these resources in programming that is tailored to meet these students' needs in neighborhood schools and to provide these students, through the IEP process, access to the general education curriculum and more inclusive placements with their peers without disabilities.

Thank you for your consideration of our comments.