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. Under the Settlement Agreement, the Pennsylvania Department of Education (PDE) is responsible for undertaking a series of activities, many of which have been occurring over the past few years, and PDE has issued information to the field to keep them current on the settlement activities. One activity required under Section IV.3 of the Settlement Agreement is the incorporation of modified text to be considered and reviewed by a student’s IEP team in determining the explanation of the extent, if any, a student will not participate with non-disabled children in the regular education class and in the general education classroom. In making this determination, the IEP teams must review the attached “Questions for IEP Team”. These questions are to be reviewed and discussed by the IEP team and the section MUST be attached as a part of the student’s IEP.

It is the expectation of the PDE that when the IEP format is revised, pending promulgation of Chapter 14 Special Education Regulations, this modified text will be included in the IEP template. In the interim, local education agencies (LEAs) may choose to incorporate this text into their electronic formats or they may choose to attach the text to their hard copies of the IEP. For all IEPs developed beginning February 1, 2008, the LEAs must ensure that IEP teams use the modified text as described above and that the modified text is attached to the student’s IEP. Should you have any questions regarding this issue, please contact the special education adviser assigned to your area.

Penn*Link
QUESTIONS FOR IEP TEAM

It is the responsibility of each public agency to ensure that to the maximum extent appropriate students with disabilities, including those in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular education classes, EVEN WITH the use of supplementary aids and services, cannot be achieved satisfactorily.

QUESTIONS FOR IEP TEAM:

- What supplementary aids and services were considered? What supplementary aids and services were rejected? Explain why the supplementary aids and services will or will not enable the student to make progress on the goals and objectives (if applicable) in this IEP in the general education class.

- What benefits are provided in the regular education class with supplementary aids and services versus the benefits provided in the special education class?

- What potentially beneficial effects and/or harmful effects might be expected on the student with disabilities or the other students in the class, even with supplementary aids and services?

- To what extent, if any, will the student participate with non-disabled peers in extracurricular activities or other nonacademic activities?