

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

January 8, 2008

SUBJECT: Gaskin Settlement Agreement - Individualized Education
Program (IEP) Format

TO: School District Superintendents
Charter School Chief Executive Officers
Approved Private School Presidents
Intermediate Unit Executive Directors
Intermediate Unit Special Education Directors
Institutes of Higher Education

FROM: John J. Tommasini
Director
Bureau of Special Education

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.

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