

## Improve programs and funding for Special Education

The promise of a free, quality public education for *all* students – including students with disabilities – is a core principle for PSEA. PSEA supports the full continuum of services for students identified as having a disability and the need for specially designed instruction for these students so they can become productive members of society and reach their full potential. In fact, over the last several years Pennsylvania has seen an increase in the number of students with special needs graduate from high school as well as an increase in those who gain entry into post-secondary education. This is an accomplishment of which we can be proud.

Since 1975 with the adoption of the landmark federal legislation, Individuals with Disabilities Education Act (IDEA), PSEA members have worked with state and federal government, school districts, and parents to protect the right of students with mental, physical, and emotional disabilities to a free and appropriate public education (FAPE). In the 2007-2008 school year, Pennsylvania's public schools served more than 270,000 special needs students and each of these students has a highly-tailored Individualized Education Plan (IEP).

PSEA recognizes that a quality education for children with special needs is critical for supporting their well-being and for supporting the well-being of their families and their communities. While the number of legal requirements which govern the provision of special education services can prove, at times, daunting, it is our nation's and state's dedication to all students that sets us apart from much of the world.

### PSEA Recommendations

- Utilize the IEP as the key determining factor for the way in which student performance is evaluated and for developing educational programs for individual students.
- Expand the accommodations for special education students taking the PSSA exams.
- Increase federal and state funding for special education and base funding on the actual costs incurred by school districts.
- Adjust the schedules of professional employees to permit adequate collaboration between special education and regular education instructional, related service, and support staff and to maximize staff contact with students.

## Standards-based approach

Pennsylvania has established rigorous grade level academic standards for all students. Due to their diagnosed and identified delays, however, certain special education students do not have the ability to perform on grade level.<sup>1</sup>

Recently, the Pennsylvania Department of Education (PDE) required the inclusion of special education students in the standards-based approach to learning, meaning that the programs for these students must be designed for their grade level, not for their ability level. This approach is sound only for students who are at, or slightly below, grade level. When students are performing more than a grade level below in content areas, setting goals at grade level falsely raise the expectations of parents. In addition, the student is often unable to achieve the goals within the school year, and consequently, the IEP team must consider the student eligible for Extended School Year services that are not necessary or appropriate. Finally, it is likely that unrealistic standards based goals will result in an increased number of due process hearings because of heightened parental expectations.



The standards-based approach to IEP development should be adjusted to reflect the following:

- IEP teams should be free to develop goals at instructional level and should not be compelled to develop goals at grade level for students who perform significantly below grade level;
- In developing and evaluating IEP goals, IEP teams should not be required to focus on PSSA scores. Rather, teams should have the authority to base goals upon the individual needs and instructional level of each student; and
- As had been the case for over 30 years, the IEP should be the key determining factor for the way in which student performance is evaluated and for developing educational programs for individual students.

## Accommodations

IEPs often include accommodations which enable students to participate in the general curriculum without unnecessary barriers. Yet when it comes to the PSSA, these accommodations cannot be used. Consequently, special education students struggle to demonstrate their knowledge when the accommodations they have used all year are not available to them during PSSA test administration. Students are unable to demonstrate what they know or the progress they have made without appropriate accommodations such as reminders to stay on task, to listen to the entire question, to provide one of the available answers, and adjustments to vocabulary in questions which enable students to understand what is being asked. This is a critical factor as it relates to statewide assessments that are utilized to determine school district and state accountability. It is for these reasons that PSEA supports expanding the utilization of accommodations in standardized testing.

## Funding

PSEA supports changes to the manner in which school districts are funded for special education. Currently, special education funding is based on statewide averages of student populations in special education, rather than upon costs actually incurred by school districts to meet IEPs. The net result is insufficient funds for many school districts with a higher than average percentage of special education students or a higher than average cost for special education programs due to the severity of the disabilities of some of their students. State funding must be based on the actual costs of providing the services these students deserve and are entitled to receive.

IDEA included a federal commitment to pay 40 percent of the average per student cost for every student with disabilities, yet, the promise of funding made over 30 years ago remains unfulfilled. Because of inadequate federal and state support, schools must reduce spending in other critical areas or raise local taxes to fund mandated IDEA services.

In addition to these shortfalls, additional emphasis must be placed upon increasing funding for early intervention. PSEA can provide data indicating that the severity (and, therefore, cost) of student learning problems can be reduced or eliminated when at-risk students receive appropriate services at a younger age.

## Staff Time

Special Education staff needs time to collaborate with general education staff and related service providers in order to more adequately address student needs. IDEA's emphasis on inclusion means that special education programs must involve a coordinated series of supports addressing lesson delivery, accommodations and modifications to the curriculum, assessment, data collection, review of behavior supports, and integrating therapies. Therefore, staff must have sufficient planning time to work together on these activities.

Most importantly, student and special education teacher schedules must be developed with consideration for student contact time, delivery of specialized services, and data collection. Unfortunately, current trends shortchange class coverage by special educators with special education teachers sometimes having little or no contact with a portion of their caseload. In addition, due to the increasing number of special education students, Itinerant Support Special Education teachers are often unable to support their caseload when students are scheduled with multiple general education classrooms in the same period.

In the highly prescriptive environment of special education, there are substantial reporting and paperwork requirements to ensure accountability. Unfortunately, these requirements result in a virtual mountain of paperwork which ultimately takes away from actual student learning. That is why PSEA supports relieving some of the paperwork requirements for special education staff so they can spend more time supporting students. Paperwork issues in special education have been exacerbated by the actions of the Pennsylvania State Board of Education and PDE in adding new lengthy requirements regarding data reporting on behavior that results in the use of restraints.

## Response to Instruction and Intervention

A recent development in special education has been the introduction of a new program meant to streamline and improve services. Specifically, federal legislation established the Response to Instruction and Intervention (RTII) model in 2004 and authorized the use of RTII for the identification of students with specific learning disabilities. RTII is a data-driven view of student learning in which educators use research-based practices for instruction and intervention, targeting reading, math, and behavior. Pennsylvania has developed a pilot program at the elementary level to gain a better understanding of how this systems-based approach could benefit all students. RTII remains a voluntary program, but the state is now moving the pilot to the secondary level starting with middle schools.

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As the program continues to expand, educational entities should adopt the following recommendations to increase the effectiveness of RTII:

- Ensure that training in RTII and development of the plan includes building administrators, content area teachers, special education teachers, related service providers, and specialists.
- Allot time for RTII planning purposes to address the major change in teacher and student schedules, data collection, analysis and refining of the system.
- Purchase curriculum materials in reading that are acknowledged as scientifically based, to support the program implementation.
- Provide staff development in new curriculum materials, assessments, interventions, data systems, and analysis of data.
- Maintain Child Find<sup>2</sup> and use the data derived from RTII as part of the student evaluation process to determine if a student has a disability and is in need of specially designed instruction.

In addition, PDE should:

- Maintain the fidelity of the RTII process and review school district programs; and
- Maintain and carefully monitor the application process for using RTII for the purpose of identification of students with specific learning disabilities.

## Paraprofessionals

Paraprofessionals are employees of the public school entity who work with students with disabilities. These individuals may have different titles including aide, assistant, paraprofessional, personal care assistant, one-on-one aide, or support staff. The work performed by paraprofessionals is critically important as these individuals reinforce the instruction, assist in collecting data, support behavior plans, and assist in maintaining the health and well-being of the student. Recent changes in PDE's special education regulations require that paraprofessionals meet rigorous standards by 2010 and obtain 20 hours of training-per-year to maintain employment.

PSEA believes that legislative changes are needed to ensure that paraprofessionals who play a critical role in addressing the needs of special education students have the training and employment protections they deserve. Specifically, we believe the following changes are needed:

- Employers of special education paraprofessionals must provide the 20 hours of training these employees are required to obtain each year.
- The General Assembly must amend the Public School Code to extend to paraprofessionals the protections currently provided to teachers working in programs or classes that have transferred from one educational entity to another entity (also referred to as "transfer between entity" protections).

## Safety concerns

A number of issues are presented by special education students who exhibit disability related behaviors which affect the health and well-being of other students and staff. School employees have a continuing need for training in de-escalation, behavior management, and appropriate restraint techniques. In addition, school entities and employees need ready access to community resources. Finally, school employees continue to need to have access to a full continuum of placement options and supports for special education students who exhibit violent and disruptive behavior in school.

(01/10)

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<sup>1</sup> It has been common practice for educational policymakers and commentators to reference the percentages of students “performing at grade level” in a particular subject. When doing so they mean the percentage of students scoring proficient or advanced on a particular test. More typically, psychometricians define “grade level” as the median score in a distribution of achievement test scores for the norming group for that grade and test. NAEP and most states assessments set proficiency at very different level from the median. The confusion between the two was noted by David Hoff in his Education Week blog when asking, can all students reach proficiency?

That question would be a lot easier to answer if everyone knew what proficiency means. As I reported last year, nobody can agree on the definition. [U.S.] Secretary of Education Margaret Spellings says that it means students achieving at grade level, as she repeated again at the National Press Club last week (Hoff D. J. (2008). “NCLB II: The latest news on the reauthorization of the No Child Left Behind Act.” edweek.org (January 15, 2008) Retrieved at: [http://blogs.edweek.org/edweek/NCLB-ActII/2008/01/nclb\\_and\\_the\\_meaning\\_of\\_profic\\_1.html](http://blogs.edweek.org/edweek/NCLB-ActII/2008/01/nclb_and_the_meaning_of_profic_1.html).)

Former Secretary Spellings apparently was unaware the National Assessment Governing Board (NAGB), which oversees NAEP policies, stated, “In particular, it is important to understand clearly that the Proficient level does not refer to ‘at grade’ performance”...students who may be considered proficient in a subject, given the common usage of the term, might not satisfy the requirements for performance at the NAEP achievement level” (Loomis and Bourque, 2001 quoted in Hull, J. (2008). “The proficiency debate: A guide to NAEP achievement levels.” The Center for Public Education. National School Board Association. Retrieved at: [http://www.centerforpubliceducation.org/site/c.kjJXJ5MPIwE/b.4175355/k.9E78/The\\_proficiency\\_debate\\_A\\_guide\\_to\\_NAEP\\_achievement\\_levels.htm](http://www.centerforpubliceducation.org/site/c.kjJXJ5MPIwE/b.4175355/k.9E78/The_proficiency_debate_A_guide_to_NAEP_achievement_levels.htm).

(PDE defines grade level as proficient with respect to the academic standards for a particular subject and grade. Here we are using the PDE definition.)

<sup>2</sup> IDEA requires all states to have a “comprehensive Child Find system” to assure that all children who are in need of early intervention or special education services are located, identified, and referred. <http://www.childfindidea.org/overview.html>.