



MONTGOMERY COUNTY INTERMEDIATE UNIT

An Educational Service Agency Supporting School Excellence

Management Services Division

Pennsylvania Special Education Funding Commission of 2013

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Testimony Presented by Sandra M. Edling, MBA, PRSBA

Good Afternoon. Chairman O'Neill, Chairman Browne, and members of the Pennsylvania Special Education Funding Commission. My name is Sandra Edling. I am pleased to be employed by the Montgomery County Intermediate Unit (MCIU) in Norristown, Pennsylvania as the Assistant Director of Management Services, where I have been responsible for coordinating our Special Education budget and fiscal matters for more than 17 years. The MCIU is one of 29 Intermediate Units in Pennsylvania. We have the distinction of being a large suburban IU serving 22 school districts, 4 career-technical schools, and more than 150 non-public schools. With an annual budget of more than \$120 million dollars, the MCIU provides a wide variety of services, including many services directly focused on supporting students with disabilities.

I also serve as a Committee member for the Pennsylvania Association of School Business Officials (PASBO) Special Education Committee. My testimony today is on behalf of PASBO.

Through my testimony today, I'd like to offer some information about the services provided to students with disabilities, as well as, several funding challenges that are experienced in delivering these services.

Required Special Education Mandates Affecting Costs

Schools throughout the Commonwealth are required to abide by numerous Federal (Individuals with Disabilities Education Act (IDEA)) and State (Chapter 14) laws that provide specific mandates related to the delivery of special education services. Schools in the Commonwealth must annually submit a Special Education Plan to the Pennsylvania Department of Education outlining their district specific plans for maintaining compliance with these mandates. In addition, all LEAs are monitored on a rotating basis for compliance with the mandates. Some examples of the Federal and State requirements that have a correlating fiscal impact are:

- Assistive Technology Supports – A requirement under Federal and State law, students with disabilities will many times require the aid of specialized assistive technology equipment, which can cost a school district upwards of \$6,000 to \$8,000 for the equipment, with additional expenses for training for the student, parents, and service providers. There is a prescribed SETT (Student, Environment, Tasks and Tools) process that schools must follow in making determinations of how best to utilize assistive

technology equipment to assist the student with disabilities in adequately accessing the curriculum.

In an effort to work collaboratively in Montgomery County, the MCIU developed a program to share assistive technology equipment devices among the schools on a trial basis, thus permitting the local school to test an equipment item with a student prior to spending their limited funds on an item that may or may not ultimately work best for the student. While these efforts have been appreciated and well received within our county, ultimately once the appropriate match of equipment has been found, the local LEA will need to spend the dollars to make the purchase, resulting in a high cost equipment purchase from limited district resources.

- Child Find Requirements – A requirement for schools to proactively search for students that may require special education services. This search process involves the development of brochures, the printing of posters, the distribution of materials to local doctor’s offices/hospitals, and the advertisement of notices in local printed newspapers. While the Intermediate Unit will work to assist school districts in meeting these requirements, ultimately these items come with a cost to be borne by the local school district budget.
- Extended School Year Services – A requirement to provide year round programming for students with disabilities who will demonstrate a regression during the summer break and who would not make adequate recoupment of skills to maintain progress on IEP goals. For students with severe disabilities (such as, autism, severe emotional disturbance, mental retardation, etc.), schools must annually (by February 28) hold a determination meeting to review the student’s extended school year eligibility. If the student is determined to be eligible for extended school year services, the school must provide and pay for specialized programming during the summer months. Schools provide this programming in a myriad of ways, including hosting their own programs (which involves the hiring of additional staff for the summer months and opening buildings that otherwise would have been closed down for the summer) and contracting with outside agencies to provide the programming. A school with a higher incidence of students identified with severe disabilities may experience a higher extended school year expenditure than other schools.
- Physical Education Programs – All students in Pennsylvania are provided with the opportunity to participate in physical education programs. While inclusion of students with disabilities into the regular physical education program is optimal, there are students (based on the severity of their disability) who may not be able to participate in these programs.

These students with disabilities who are not able to participate in the regular physical education program are provided with Adaptive Physical Education programs. Adaptive Physical Education programs are provided by specially trained physical education instructors and include the usage of specialized equipment. While many school districts

will partner with their local IUs to share the cost of this service among several districts, the employment (or contracting) of these instructors and the purchase of the specialized equipment will increase the school district's expenditures for students with severe disabilities.

- School to Work Transition Services - The School to Work transition process is another required service provided for students with disabilities. Once the student with disabilities reaches the age of 14, the IEP team is required to have specific discussions about the student's transition plan. Examples of transition services that may be reviewed as options include activities of daily living, job placement skills, and on the job work experiences.

To deliver these services, schools partner with local businesses to provide work experience opportunities for students with disabilities. In order to deliver these services, the school must first have a School to Work Coordinator who makes the contacts and arrangements with local businesses/sites for the service delivery. This is an area that many Intermediate Units provide support for. For example, the MCIU has made arrangements with more than 30 work sites for this program to place students with disabilities in Montgomery County.

Once the placement has been arranged, the school will then many times have a Job Coach on site with the students, providing support to groups of up to four students at a time. The Job Coach's responsibility is to assist the students in learning specific job skills, workplace etiquette, and general employability skills.

Students are generally placed in transition placements for only part of the school day, therefore there is an additional cost of transporting the students in the middle of the school day from their home school to the job placement site and back. When you consider that some of these students also need specialized transportation services (i.e. lift bus, etc.) the cost can become quite significant on an individual student basis.

- Specialized Transportation – Depending on the severity of the student's disability, schools may be required to provide specialized transportation services. These specialized transportation services may involve the usage of a lift bus (a bus having a wheelchair lift and specialized safety equipment), a bus with a nurse (especially if a student is at risk of a seizure or other needs on the bus), or a bus with an aide. In these cases, the district not only incurs the costs of providing the vehicles, upkeep of the vehicles, and the driver, but also incurs the costs of providing additional staff to ride the bus with the student(s).

Additional costs associated with providing specialized transportation services may be present based on the placement of the student. If the student with disabilities is placed in a program in another building within the district or in a program outside of the district's boundaries, there are many times that the vehicle utilized to transport the

student may have only one student on it at a time. Thus, incurring a high expenditure transportation cost for the school district.

With all of the federal and state special education mandates that are imposed on our districts and IUs, including those above, we urge the Commission not to impose additional new mandates as it considers making its final recommendations. For example, while the idea of breaking special education funding into cost categories based upon the severity of the special education need of each student is a positive one that moves us in the direction of providing funding based more upon actual costs, we are concerned that such a system will impose significant new mandatory reporting requirements that will increase the cost of providing special education services.

Staffing Classrooms for Students with Disabilities

While providing services in the least restrictive environment is the first consideration of the IEP team, schools in Pennsylvania provide a variety of classroom based programs to support students with disabilities, including many autistic, multi-disabled, and emotional support classes. There are many factors in outfitting a classroom for students with disabilities. For instance, the staffing complement for a classroom serving students with autism is one teacher for every eight students. This example is noted in Chart 1 below:

Chart 1: Full-Time Teacher Caseload for Students with Disabilities	
Exceptionality	Allowable Teacher Caseload of Full-Time Students
Learning Support	12
Life Skills Support (Grades K-6)	12
Life Skills Support (Grades 7-12)	15
Emotional Support	12
Deaf & Hearing Support	8
Blind & Visually Impaired Support	12
Speech & Language Support	8
Physical Support	12
Autistic Support	8
Multi-Disabled Support	8

Source: Pennsylvania Chapter 14, Section 105

Another factor in determining the allowable caseload for a teacher in a classroom for students with disabilities is the age range of the students. A district is not permitted to have, for example, one emotional support classroom for all 12 students aged K-12 in the district, rather

the school is only permitted to have a three year age range within each elementary classroom and a four year age range within each secondary classroom (Chapter 14.146). Therefore, if the school has a low number of students in a specific exceptionality class within a particular age range, the school must operate multiple classrooms for that exceptionality group, even if the enrollment in the classroom is only three to four students or must develop a consortium with other school districts via their local IU to share the expenditures associated with operating this classroom.

In addition to the classroom teacher, a classroom serving students with disabilities will have at least one instructional assistant. In many cases, additional instructional assistants may be needed based on the functional and behavioral needs of the students in the classroom and to ensure that opportunities are provided for the inclusion of students in mainstream activities. For example, in order for a student with disabilities to be included in a general education program for part of the school day the student will many times require the services of an instructional assistant to accompany him/her. Therefore, varying levels of classroom instructional assistants are needed to ensure all students in the classroom are afforded their opportunities for inclusion with their regular education peers.

Related Services Supports

In addition to the classroom staffing noted above, many students with disabilities need a combination of related services in order to obtain their full access to the school's curriculum. These supports include services such as speech therapy, occupational therapy, and physical therapy services. These services are delivered on an itinerant basis and can vary in length from 30 minutes to 2-3 hours/week (depending on the needs of the student).

An area of concern is the ability to find qualified therapists to deliver the related services to students with disabilities. The Part B IDEA Subgrantee Assurances (20 U.S.C. 1411-1419) requires an annual assurance from LEAs that each school is in compliance with having appropriately and adequately trained staff serving their students with disabilities. Specifically, in recent years there has been a significant shortage of speech/language pathologists and occupational therapists. In order for a professional to deliver these services, he/she must possess specialized certifications. Unfortunately, there aren't enough individuals graduating from higher education institutions with these certifications to meet the demand of schools and schools are continually competing with the private sector when offering positions to recent graduates. Therefore, the cost to continually recruit and retain these highly sought after specialists is a sometimes unseen factor for many schools.

Incident Rates of High Cost Students

A factor affecting how local school districts fund Special Education costs are the incident rates of students in Special Education programs. It has been widely publicized that certain exceptionalities, such as autism, require a much more intensive support program than others. Therefore when the numbers of students continue to rise in a high cost exceptionality group, this is of concern for the local LEA. As an example, as of December 1, 2009, Montgomery

County, PA had 1,398 students identified with Autism. By December 1, 2012, we had 1,837 students identified with Autism. This represents a 31.4% increase in this high cost group. The students in this group require a highly intensive one to one, repetitive program which severely stretches the ability of many budgets.

As these incident rates have risen schools have had to reevaluate the training needs of their staff. For example, many schools annually hold Positive Behavioral Supports training for those staff who will be working with students with disabilities. Through this training the staff is taught various ways to handle aggressive behaviors exhibited by students in the least intrusive manner. For some students, specific Behavioral Support plans are developed to assist staff in how to positively support behavioral concerns and permit the entire IEP team input into the process. While valuable to the student and the student's ability to participate in the classroom, the time spent training and in developing specialized behavioral support plans is an extra expenditure for the school district. The provision of this training is many times provided by the local Intermediate Unit.

IDEA (Individuals with Disabilities Education Act) Funding

In order to provide the services described above and many others for the students with disabilities, the local school districts rely on funding from local, state, and federal sources. The federal government supports Special Education services thru the funding of IDEA. However in Montgomery County the funding for the 16,817 school aged students funded for the 2013/2014 school year is just **\$66.02/child higher than it was for the 2003/2004 school year.** In the past ten years, the costs to provide Special Education services have continued to rise, however the level of federal funding has not nearly kept up with these increases.

Federal IDEA funds are distributed based on an annual count of students with disabilities. The count is made as of December 1, with the December 1, 2012 count creating the IDEA funding for the 2013/2014 school year. In this manner of funding, if a school district is seeing a rise in their students identified with disabilities, the school will see an increase in the amount of funding. However, IDEA funds come with other requirements.

In order to be eligible to receive the additional federal IDEA funds, the school must first demonstrate that they have maintained their local effort in funding their special education programs. For example, a school district must show that they are not using the federal IDEA funds to reduce their contribution to their local special education services budget, rather the federal funds are to be used to supplement and enhance the level of services provided to students with disabilities.

School Based ACCESS Program Funding

Another funding factor plaguing the MCIU and our local school districts this year in relation to Special Education funding is the major changes to the School Based ACCESS program. The School Based ACCESS program is a means for schools to obtain additional federal funding for medically related services provided in the school setting. These services include, speech

therapy, occupational therapy, physical therapy, and nursing services. MCIU and many of our local school districts have long been leaders in the utilization of this funding resource always ranking near the top of the list in billing leaders. The outcomes of last year's federal Center for Medicaid Services audit have been devastating to the School Based ACCESS programs across the Commonwealth and have dramatically reduced the ability of school entities to access this revenue. The changes such as:

- No longer permitting LEAs to bill for IEP Meetings
- The removal of the ability to bill medical assistance for collateral services
- The greater documentation requirements (i.e. new daily logs with daily notes, capturing time in/time out data, etc)
- The requirement for all schools to participate in a statewide Random Moment Time Study (RMTS) process
- The implementation of a new rate setting/cost settlement process

It is ultimately expected that schools will receive 30-40% less from the School Based ACCESS program for claims for services delivered in the 2012/2013 school year than they did in the 2011/2012 school year. The MCIU has worked hard to assist our local school districts through this transition, holding numerous meetings/trainings and providing ongoing consultation to our school districts in order to ensure that the maximum funding available is obtained for our schools even with all of these changes. The schools that have preserved have begun to receive their funds and should be commended for their efforts. However, it is important for this Commission to note that the funds were obtained by billing Medical Assistance for the services delivered in many cases to the highest cost students who generally receive the highest level of services and therefore, these changes will once again significantly hit the local school district budgets of those with the highest incidences of severe disabilities.

As time has gone on, LEAs have added positions to their budgets funded via the School Based ACCESS program dollars that are at risk of elimination in years when dramatic revenue shifts occur. When these positions are eliminated or reduced, schools are at risk of not meeting the obligations set forth in current IEP documents and must divert valuable dollars away from other necessary programs to ensure this does not happen.

Conclusion

In conclusion, I am grateful for the opportunity to speak before your commission. I hope I have provided some valuable information for your consideration and I will be happy to answer questions or provide additional follow-up information should you have any requests. Thank you.