pennsylvania
DEPARTMENT OF EDUCATION

Testimony

Senate Education Committee

Special Education

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Department of Education

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Good morning, Chairman Piccola, Chairman Dinniman and distinguished members of the Senate Education Committee. Thank you for the opportunity to discuss the Commonwealth's special education system. My name is Amy Morton and I am the executive deputy secretary for the Department of Education. Prior to my current role in the department, I was most recently the executive director for the Capital Area Intermediate Unit where I became more familiar with how special education funding is distributed and services are delivered. It is with that unique perspective that I am here to discuss this system today.

I must share with the committee that the department is awaiting a decision from the federal courts in *C.G et al vs. Commonwealth of Pennsylvania, Department of Education,* a case that challenges the current system for funding special education by the Commonwealth. The outcome of that litigation could have a significant impact on how our system is funded and operates in the future. This decision also could have an impact on any statutory changes related to special education. As a result, and since we are a party to the case, we are limited in the scope of our comments in relation to the future of special education funding in particular.

As there is uncertainty concerning the court's decision, the department is not able to comment on specific policy or legislation at this time. Therefore, I will take this opportunity to provide background information and an explanation as to how our system currently functions in Pennsylvania. Our special education program has been designed to provide services directly to students through different educational channels in our schools, alternative school settings and early intervention programming. We are also able to provide professional development and assistance to those individuals serving these students through our Pennsylvania Training and Technical Assistance Network (PaTTAN) to meet federal regulatory requirements.

The department's special education services are provided to students from ages 3 to 21. In the 2010-11 school year, the total student enrollment was more than 1.78 million students with 275,000 students eligible for special education services.

Currently, Pennsylvania's special education funding structure to Local Education Agencies (LEAs) is through the federal Individuals with Disabilities Education Act (IDEA) funds and state appropriations. IDEA funds are appropriated to the state on an annual basis and driven out through intermediate units (IUs) to schools while state funds are distributed directly to the LEAs. Total funds that are received by schools are calculated through a formula that I will explain shortly. Combined, these appropriations are used to support four line items: special education; Approved Private Schools (APS); PA Chartered Schools for the Deaf and Blind and Early Intervention.

Special Education

In the 2011-12 enacted state budget nearly $1.4 billion was appropriated for activities related to special education. This includes the appropriations for early intervention, APS facilities and the Chartered Schools for the Deaf and Blind. The amount of these funds specifically targeted for special education was $1.026 billion and school districts as well as charter schools will receive approximately $947 million of this appropriation. The distribution of these funds is based on a formula in section 2509.5 of the PA School Code which is a complex calculation that factors the

amount each school district previously received, student attendance and market value/personal income aid ratio.

Federal IDEA-B grants to the state include two grants that serve students between the ages of 3 through 21 (IDEA-B 611 funds) and early learning students between the ages of 3 and 5 (IDEA-B 619 funds). There has been a moderate increase in both the federal and state funds to support special education in the last decade. The IDEA-B 611 funds were in the amount of $235.2 million in fiscal year 2001-02 (state funds were $861 million in the same fiscal year) and $418.4 million in fiscal year 2011-12 (state funds are $1.02 billion).

Over this same period of time, the percentage of the student population with disabilities had an increase of 2 percent as it rose from 13 percent to 15 percent between 2001-02 and 2011-12, while federal and state funding increased 43 percent and 14 percent, respectively.

PDE also administers the special education contingency fund which is used to provide additional state funding for the implementation of Individualized Education Programs (IEP) for students with significant disabilities. A contingency fund application may be submitted by a school district or charter school to partially meet the extraordinary educational needs of an individual child with significant disabilities who requires a highly specialized program or related service in order to receive an appropriate education. The Public School Code allots 1 percent of the special education appropriation for this fund and once an application is approved, additional funding is released to the school district before the end of the current school year. In the 2010-11 school year, $10,262,520 in Contingency Funds were distributed to 328 LEAs that submitted requests.

In the past three years, while the total count of students with disabilities has been relatively stable, we have observed some shifts in the identification patterns in some of the student body of Pennsylvania. For example, there has been a decline in students with mental retardation, which has declined from 22,062 to 20,617, or 6.5 percent, while autism has increased from 15,017 to 19,352, or 28.9 percent, between the 2008-09 and 2010-11 school years.

For the 2010-11 school year only, 15 percent of the student population being served (275,000 students) was categorized as having a disability. For illustrative purposes, out of Pennsylvania's total students last school year, 20,617 (1.16 percent) were identified with mental retardation and 19,352 (1 percent) students with autism were served. As disabilities such as these are discussed today and in the future, we must be cognizant that we are not able to determine the severity of the disability for each child. The department does not have any data that would determine a student's location on the autism spectrum and we have no authority to do so. As a result, the department would be unable to project the fiscal implications to providing services to a broad population without knowing the severity of the disabilities of this student population.

The most commonly identified disabilities are Specific Learning Disabilities with 130,464 students (47.4 percent) and Speech or Language Impairments with 45,625 students (16.6 percent). These categories have a higher representation of the student population and are also significantly less costly to provide supplemental instruction support services when compared to other disabilities. We are also able to help these students through our early learning intervention programs with successful results that often decrease the need for services in the future.

APS and Chartered Schools for the Deaf and the Blind

The Approved Private Schools (APS) and Chartered Schools for the Deaf and the Blind are private schools licensed by the State Board of Private Academic Schools. There are currently 30 APS and four Chartered Schools for the Deaf and Blind facilities throughout the state providing special education programs to 3,447 day and residential students.

Placement of students in an APS or PA Chartered School must be based on the student's individual needs. Chapters 14 and 171 of the state's special education regulations and standards govern these placements, some of which are based on the appropriate level of intervention, appropriate location of intervention and appropriate grouping of students.

When an IEP team, which includes school personnel and the parent(s), agree that the only source of an appropriate program of education for an eligible student is in an APS and state funded slots are available, the costs for students placed in APSs are shared between the school district of residence and the Commonwealth.

Early Intervention

Early Intervention (EI) supports and services are designed to meet the developmental needs of children with disabilities, as well as the needs of the family related to enhancing the child's development for physical development, including vision and hearing; cognitive development; communication development; social or emotional development and/or adaptive development. These services are split between the Department of Public Welfare, which oversees the Infant/Toddler EI program (birth to age 3) and the Department of Education, which oversees the Preschool EI program (age 3 to school age). Preschool EI is funded through state funds, as well as IDEA-B 611, IDEA-B 619 and Medical Assistance ACCESS without the use of local funds. Between 2000-01 and 2010-11 fiscal year, the number of Preschool EI students that have been served between ages 3 through 5 incrementally grew from 28,759 to 47,114 students. At the same time, state funding nearly doubled over the same span of time from $93.5 million to $177.9 million.

Similar to the special education services, EI students have had a noticeable change in the identified categories. Two of the most significant that have increased over the last decade are autism and development delay. The EI student population classified with autism increased from 1,119 children (3.89 percent) in the 2000-01 fiscal year to 4,011 (8.64 percent) in 2010-11 fiscal year. Developmental delay increased from 11,363 (39.51 percent) in the 2000-01 fiscal year to 23,810 children (51.26 percent) in 2010-11 fiscal year. The percentage of speech or language impairment identification decreased from 47.96 percent to 35.5 percent during the same timeframe, although the actual number of students increased since there have been higher enrollments over the years (from 13,793 to 16,489 children).

The Preschool EI program has been able to document positive outcomes since fiscal year 2008-09 as 99 percent of the children made progress from the time they entered the program until they exited the program. Furthermore, 80 percent of the students who entered the program below expectations in development also increased their rate of growth before exiting the program. One

achievement of our Preschool EI program is that 60 percent of our students exiting the program were within age expectations and did not need any further special education services.

Pennsylvania Training and Technical Assistance Network

The Pennsylvania Training and Technical Assistance Network (PaTTAN) supports the department's Bureau of Special Education (BSE) to provide professional development and technical assistance in the delivery of special education services. PaTTAN was started as an initiative of BSE and now has offices in three different locations throughout the Commonwealth: Pittsburgh, Harrisburg and King of Prussia. This office also has a partnership with each of the 29 intermediate units, which helps to deliver high quality, effective professional development and assistance to educators, administrators, parents, service providers and others who can help in the delivery of special education.

PaTTAN offers substantial professional development activities for individuals throughout the year in addition to many useful publications to better serve students with special needs. Technical assistance includes providing assistive technology services and instructional materials to individuals as they serve students. Technology can be borrowed by an LEA to determine its effectiveness and appropriateness for a particular student prior to purchasing it.

Thank you for the opportunity to share how Pennsylvania's special education system currently operates as we deliver services to students. I would be glad to answer any questions that the Committee has at this time.