

**Lewisburg Area School District  
Office of the Superintendent  
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**Senate Majority Policy Committee**  
Special Education – Challenges Facing Pennsylvania School Districts

Public Hearing Testimony  
January 23, 2013

Dear Senator Erikson and Committee Members:

My name is Mark DiRocco, and I am serving in my eleventh year as Superintendent of the Lewisburg Area School District. I appreciate the opportunity to provide some information and concerns regarding the cost of special education services in my school district and throughout the Commonwealth.

First, I would like to state that children identified with needs for special education services should have all the resources and programs they need to receive an appropriate education. As an educator, I have observed many positive outcomes for children as a result of special education services. Each year, we learn more about the best educational practices that will result in greater learning for our identified students, and we must continue to make progress in this area to ensure all our children have opportunities for success upon graduation.

Special Education Laws have continued to evolve over time and have caused regulations at the federal and state level to increase. As these regulations have increased, the burden on local school districts to comply and implement the regulations has also increased. The irregular method of funding special education has added to this burden for local school districts. Prior to 1993-1994, special education funding was based on a formula. Nearly 100% of the cost incurred by local school districts for special education services was reimbursed based on this formula. However, the formula was eliminated and special

education allocations were established based on a set figure and added to annually as funds became available. Unfortunately, the lower levels of funding to local school districts did not absolve them from complying with special education law. As a result of two decades without a special education formula, Lewisburg is now providing approximately 50% of the cost of special education through local tax dollars. The state is paying about 33% and the federal government about 17%. This is an unfair burden to our local taxpayers.

The formula issue is in itself problematic. However, the funding issue has been exacerbated over the past five years due to level funding from the state for special education. The last increase in special education funding to Lewisburg occurred in 2008-2009 when we received a 2.3% increase from the previous year. We have not received an increase since 2008-2009 despite the fact that the cost of special education services continues to rise.

There are several drivers that have great influence over the special education budget in Lewisburg and school districts across the state. Perhaps the most significant driver is the Child Find Process required of every school district. The law requires and expects that each school district will “find” every special education student that attends school. This law often conflicts with programs such as Child Study Teams (CST), and Response to Instruction and Intervention (RTII). These programs seek ways to assist struggling students prior to testing a child for special education programming. Districts must be careful not to let these interventions go too long prior to notifying the parents that special education testing may be warranted. Lewisburg was the subject of one such case of delayed testing that resulted in a compensatory education finding against the district. Changes to the Child Find Law will be necessary if the cost of special education services are to slow down or decrease.

After being involved with several due process hearings from 2003-2005, we updated our Child Find Process with the assistance of our school district solicitor and the hiring of a full-time special education coordinator. We have not been involved with a due process hearing since the update. In 2003-2004, our enrollment was 1,770 students with 130 students being identified for special education services. This was below state average for

identified students in a district our size. In 2012-2013, we currently enroll 1,891 students with 225 identified for special education. Our student population has increased by 7% over this period of time, and our special education population has increased by 73%. These numbers are not the result of over-identification as we are within the state average of special education students for a school district our size. Our special education population is a result of an effective Child Find System as required by law.

Of course, as our special education population increased, so did our special education staff. We have also added four special education teachers (one position was reduced last year) and ten special education aides to meet the programming needs of our students over this past decade. The state sets mandates for the maximum student caseload a special education teacher may carry on their roll. This is not a federal requirement. It would be beneficial to change these caseload maximums from "regulations" to "guidelines" allowing more flexibility to school districts.

Another variable that has added to the increased number of special education students in our district has been our understanding of the autism spectrum. We have learned much about this disability and become much better at recognizing students with autism. Today 22 of our 225 special education students have autism listed as their primary disability. A decade ago, we knew little about autism and few students were identified with this disability.

Supplemental aides and services have also added to the expense of operating our special education program. As a result of the Gaskin Settlement and state regulations, we must ensure that our identified children are provided the services and resources they need to remain in the regular curriculum. It is incumbent upon the school district to prove that a student is not capable of remaining in the regular curriculum. This has increased the need for more supplemental services purchased through private providers and the intermediate unit for social work, physical therapy, and occupational therapy. It has also increased our need for one-on-one aides in the classroom.

After all resources and supports have been exhausted in an effort to maintain a special education student in the regular school setting, an out-of-school placement may become

necessary. In most cases, out-of-school placements are the result of an IEP Team decision, but it can also be the result of a court placement. Out-of-school placements can be very costly with some placements costing more than \$200.00 per day at the facility plus transportation. Another complicating factor for districts like Lewisburg is that we are located in a rural area where it is difficult to find services and placements that meet the needs of students that the district is unable to provide. We have few choices of providers and often end up paying whatever price they charge. Additionally, the special transportation that is needed for these placements is often very costly.

Finally, an area that increases the cost of our special education programs is the additional state regulations that are added “in addition to” or “notwithstanding” the federal regulations. Over the years, the state has created additional regulations that are more specific and costly to school districts than the federal special education requirements such as maximum caseloads for teachers, paraprofessional training, and early transition programs. Perhaps this has been due to case law in Pennsylvania or a result of the Gaskin Law Suit Settlement. However, I recommend that the Committee consider a review of the State Chapter 14 Special Education Regulations in an effort to reduce the number of state regulations that are in excess of what the federal government requires.

Thank you for the opportunity to express my concerns to the committee. I will be happy to answer any questions you may have or provide you with further information as needed.

Sincerely,

*Mark D. DiRocco*

Mark D. DiRocco, Ph.D.  
Superintendent

