

# UPPER DARBY SCHOOL DISTRICT

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RECEIVED  
INDEPENDENT REGULATORY  
REVIEW COMMISSION  
2007 JUL 20 AM 10:12

ADMINISTRATION COMPLEX

Jim Buckheit  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333.

Ruth B. Furman  
Executive Director of Special Education

Dear Mr. Buckheit:

On behalf of the Upper Darby School District, I appreciate the opportunity to provide written testimony on the Proposed Chapter 14 Regulations recently published in the June 30, 2007 edition of the Pennsylvania Bulletin. I am supportive of several aspects of the new language and commend the State Board as the legislative process moves forward, but I do feel that some of the proposed changes will have severe negative implications for Upper Darby School District.

There are two particular sections of the proposed legislation that would have significant impact on Upper Darby School District, including requirements for special education classroom assistants and class size mandates. Upper Darby School District wishes to make you aware of our concerns and the fiscal implications they would have on our district's forthcoming budgets.

We urge the members of the State Education Board to reconsider their position on the requirements for paraprofessionals and on the mandated caseloads. Following are our concerns:

## § 14.105. Personnel.

Upper Darby School District urges the Legislators and the State Board to reconsider its position on Instructional Support Personnel. The recommendation that paraprofessionals hired to work with special education students after July 1, 2008, would need two or more years of post-secondary education or an Associates Degree or higher and meet a rigorous standard of quality as demonstrated through a formal state or local academic assessment to be eligible for employment by school districts and intermediate units would put an undue burden on our district. This new requirement will be an impediment to hiring future instructional support personnel, resulting in devastating consequences for our children. This standard will place districts and intermediate units in a position where we will be unable to fulfill current requirements outlined in Individualized Education Plans in order to implement the supplementary aids and services required, creating a crisis. In addition, these regulations will result in a significant fiscal impact to our district requiring more funding from the Department of Education or increased property taxes to Pennsylvania residents to support the mandate.

Currently, Upper Darby School District employs a total of 69 paraprofessionals, including teaching assistants and personal care assistants, at an annual average cost of \$25,000.00 each for salaries and benefits. Upper Darby School District requires that paraprofessionals possess at least a high school diploma and pass our local academic assessment. We institute an array of training programs for our staff in an effort to support our Instructional Support Personnel to effectively and efficiently work with our children. If the new regulations are adopted without modification, our starting salary would have to increase in order to attract personnel with post-secondary educational experience to fill any vacancies. If the organization increased the starting salary by only \$5,000.00 it would increase Upper Darby School District's costs by **\$345,000.00** annually. This is significant.

We most strongly urge you to adopt the current standard outlined in NCLB for paraprofessionals working in Title I programs. NCLB requires local education agencies to ensure that paraprofessionals employed in programs supported with Title I, Part A funds, shall have: (1) Completed at least two years of study at an institution of higher education, or obtained an associate's (or higher) degree; OR (2) met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment, knowledge of, and the ability to assist in instructing reading, writing, and mathematics (or readiness in those subject areas). The requirements to meet both conditions are excessive and substantially exceed NCLB "highly qualified" standards.

We would further request written clarification of qualifications for paraprofessionals who work with children who are assessed using the Pennsylvania Alternative System of Assessment (PASA). It is our belief that paraprofessionals serving in this role require training and inservicing but should be exempt from the mandates established by NCLB and Chapter 14. Paraprofessionals working with students who take the PASA are working with the most significantly impaired children in Pennsylvania, whose individualized education plans outline goals and objectives focusing on the ability to improve basic activities of daily living skills such as feeding, toileting, sustaining attention for a few minutes, and the development of primary level social skills rather than higher order academic skills. Lastly, it is important to exempt personal care assistants from this requirement. It is our understanding that the intent of this language was not to require these individuals to meet the requirements outlined in this chapter. However, if the regulations do not specify this, we are concerned that the regulations will be misinterpreted and lead to unwarranted due process claims and lawsuits.

**(c) Caseload for professional personnel.**

Upper Darby School District prescribes to the current Chapter 14 regulations regarding caseload for part-time special education classes as indicated on the chart below:

Type of Service	Part-time Class Maximum Caseload Allowed On A Single Teacher's Roll
Learning Support	15
Life Skills Support	15
Emotional Support	15
Deaf & Hearing Impaired Support	10
Blind or Visually Impaired Support	15
Speech & Language Support	8
Physical Support	12
Autistic Support	8
Multiple Disabilities Support	8

The new proposed regulations recommending that students who receive more than 75% of their instructional day in the special ed classroom could only have 8 students in the class would have serious implications for Upper Darby School District. The new regulations would bear a direct impact on our Upper Darby School District part-time learning support classes, intensive learning support classes, life skills classes, and emotional support classes. We currently support 31

district classes where students receive 75% or more of their time in the special education setting. Each class serves from 12 to 15 students. When converting teachers' caseloads from current regulations to the proposed caseloads, Upper Darby School District would need an additional 29 teachers and 16 instructional paraprofessionals to meet the new requirement. Fiscally, this would increase the district's burden by \$2,140,000. for salaries and benefits for teachers and instructional assistants.

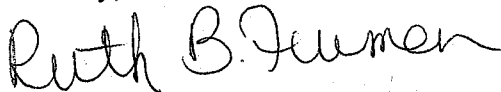
Increased funds would also be needed for start-up costs of the new classrooms including furniture, equipment, curricular materials, etc. We currently spend an average of \$30,000. to start-up a new special ed classroom. 29 new classes would result in a one-time increase to our budget of approximately \$870,000. Even if we were able to **increase our budget by \$3,010,000.** we would need an additional 29 classrooms throughout the district in buildings that are already filled to capacity. This would require the equivalent of an additional 600-student school building.

Upper Darby School District supports the previous working draft of the Chapter 14 language indicating three levels of support with their proposed caseload requirements. The working draft language can be easily used again in the proposed language. It would state:

- i. **Level 1 supports** –Services may include one or any combination of the following services: Case Management; Supplemental Services; and Replacement Services up to 20% of the instructional day.  
**Caseload Maximum Number = 50**
- ii. **Level 2 supports** – Services must include Replacement Services 21% to 50% of the instructional day and may also include Case Management Supplemental Services.  
**Caseload Maximum Number = 25**
- iii. **Level 3 supports**– Services must include Replacement Services more than 51% of the instructional day and may also include Case Management and Supplemental Services  
**Caseload Maximum Number = 8 to 15**

Although there are other areas of the proposed legislation that we have concerns with, none would have the significant impact on Upper Darby School District as the two that have been outlined in this letter. On behalf of the Upper Darby School District, I appreciate your consideration of our concerns at your upcoming hearing on the Proposed Chapter 14 Regulations. Thank you for the opportunity to provide written testimony of the proposed Chapter 14 regulations.

Sincerely,



Ruth B. Furman  
Executive Director of Special Education  
Upper Darby School District

CC: Senator James J. Rhoades, Chair, Senate Education Committee  
Representative James R. Roebuck, Jr., House Education Committee  
Dr. Gerald Zahorchak, Secretary of Education  
Mr. John Tomasinni, Bureau Director, Special Education  
Mrs. Mollie Phillips, Chair, Chapter 14/16 Committee, State Board of Education  
Linda Rhen, Special Advisor, State Board of Education

