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Sent: Monday, August 06, 2007 11:41 AM
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Subject: FW: Chapter 14 Comments

August 6, 2007

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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

My name is Stewart Weinberg, and I am the Superintendent of Schools in the Dallastown Area School District. Thank you for this opportunity to provide my reaction to the Proposed Chapter 14 Regulations for Special Education as posted June 6, 2007 on the Pennsylvania Department of Education website, as well as subsequent drafts.

After careful review of the Proposed Regulations I would like to share the following comments and recommendations for your consideration:

Chapter 14

1. **§ 14.105 Personnel**
 (a) (1) (2) (3) (4)

Comments:

The qualifications for paraprofessionals listed in (1) and (2) are unnecessarily rigorous for most of the assistants in Special Education to meet the needs of students they serve. This is especially true of assistants serving students with more severe learning needs and physical assistance only.

- The qualifications in (1), (2), (3), (4), addressing academically oriented students exceed those listed in NCLB and are unnecessary for assistants serving students with more severe limitations. For example, many assistants work with students on toileting, feeding, dressing, self-help, positioning, etc.; which do not require post secondary education levels of education. Individuals with a high school education can adequately and safely learn and apply these skills.

Highly Qualified Teachers develop and monitor the IEP's and instructional lesson plans for each student in their care. Thus assistants follow the direction of a trained, certified, highly qualified professional and do not need to have postgraduate course work to perform their duties.

- The term "Instructional Paraprofessionals" used in the proposed regulations lead one to believe that it applies to paraprofessionals who are assisting with strictly *academic* skills, but the regulations as proposed apply to all paraprofessionals, regardless of their job

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responsibilities. This apparently also pertains to Personal Care Assistants, who often do not need higher education to perform their duties. Since the draft regulations specify the category of Instructional Paraprofessionals, it would seem appropriate that Non Instructional paraprofessional also be specifically mentioned as not having to fulfill the rigorous standards suggested.

- The qualifications requirement has a significant financial impact on school districts. In order to hire paraprofessionals that meet (1) or (2), school entities will have to a) significantly increase compensation to attract and maintain people with this level of education, and b) school entities will have to expend considerable resources or training or course credit reimbursement.
- These stringent requirements will not deepen the pool of applicants to keep assistant positions filled and students may not receive the attention they require while the school entity is unable to fill vacancies. Repeated and persistent vacancies in paraprofessional positions negatively affect the programs for all students.
- A survey of school districts in our Intermediate Unit indicates that an average of only 24% of our current paraeducators meet the proposed criteria. This means that the districts will have to provide or pay for training in order for 76% of existing paraeducators to meet the proposed criteria. Even if the current staff is "grandfathered" into the system, districts will have to either pay more for entry -level paraeducators who enter the system who meet the advanced criteria or will have to foot the bill for training, or course credit reimbursement to meet the new criteria.

Conversely, nearly 80% of paraeducators in the Intermediate Unit currently have met the criteria for Title I assistants or have demonstrated competency in their field by having completed the Paraeducator Competency Checklist. This measure is a more valid indicator of their effectiveness with students with disabilities in a classroom situation.

Recommendations:

1. Change the wording in (a) to specify that paraprofessionals need "to meet the qualifications outlined in (1), (2), (3), or (4)", thus removing the word "AND" between (1), (2), (3), and (4).
2. Eliminate the word "Instructional" in (a), or define exactly what is meant by "Instructional paraprofessional" as opposed to a "Non-instructional paraprofessional".
3. Combine (3) and (4) and add the following wording - "Paraprofessionals who have received or who, in the future, receive a letter from PDE stating that they have met the criteria established through PaTTAN for the Paraeducator Competency Checklist have met the qualifications in this section.

2. § 14.105 Personnel

Definitions – Case Management, Replacement Services, Level I, II, III, IV Services

EDUCATIONAL PLACEMENT
§ 14.142 Caseload for special education (chart)

Comments:

- Proposed caseload maximums appear to restrict a teacher from teaching more than 25 students at a Level II Service Level. These caseload numbers will cause districts, in many cases, to hire additional teachers, where with the current standards students are being instructed appropriately with current staffing patterns. At the middle and high school levels, most teachers are teaching classes by subject and not by a grade level and may very effectively teach many more than 25 students in a day. The additional expense, lack of highly qualified teachers, and finding adequate space are very real concerns for districts under the proposed regulations.
- Level IV services proposed caseload maximums of 8 students is not necessary and will cause school entities to hire additional teachers and assistants, and need to open new classrooms. Space for the classes is impossible to find in our rapidly growing area. Our general education classes are already overcrowded without limiting special education classrooms to 8 students. Making space for more special education classrooms could cause even larger class sizes in the general education classrooms where we are trying to include students with disabilities to the maximum extent possible. This will also have a significant, adverse impact on school district budgets. In our Intermediate Unit the estimate of the budgetary impact is over \$3,000,000 per year. Finding highly qualified, certified staff is very difficult in our area, as is finding additional classroom space where student populations have been increasing steadily.

Recommendations:

1. Retain the caseload/class size distinction and charts currently in place in Chapter 14 until such time as a better system is developed that will increase the educational programs for students and not adversely affect school districts financially, and facility-wise.
2. If changes are considered for the Level IV Services, then increasing the caseloads to 12 would be a workable figure to appropriately educate these students.

Again, thank you for this opportunity to provide input to the proposed Chapter 14 Regulations for Special Education. We appreciate the efforts being made to solicit comments from all parties, as well as the time and effort expended to make the proposed regulations a tool to provide an appropriate education for all students.

Sincerely,

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