

**YORK  
SUBURBAN  
SCHOOL  
DISTRICT**

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Superintendent of Schools*

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August 13, 2007

Mr. Jim Brokhert  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17125-0333

Dear Mr. Brokhert:

My name is Dr. Kathryn L. Orban and I am currently the superintendent of York Suburban School District. Thank you for this opportunity to provide our 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/we] 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.

- 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.

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- Teachers develop and monitor the IEP's and 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 responsibilities. This apparently also pertains to Personal Care Assistants, who often do not need higher education to perform their duties.
- 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. This requirement has a significant financial impact on school districts.
- School entities experience enough difficulty keeping assistant positions filled. Requiring applicants to meet the criteria outlined in (1) and (2) will make it even more difficult to fill paraprofessional positions. Repeated and persistent vacancies in paraprofessional positions negatively affect the programs for 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 are "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".
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 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:**

- Learning Support – Proposed caseload maximums of 20 Resource and 15 Part Time will significantly impact entities who have several classes at the secondary level where teachers are assigned to teach by subject area. These teachers could actually teach 60 or more part-time students in a day, but only be responsible for 20 IEPs when the IEP responsibility is split between all Learning Support teachers.

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. The additional expense, lack of highly qualified teachers, and finding adequate space are very real concerns for districts under the proposed regulations.

- Multiple Disabilities Support - Proposed caseload maximums of 8 Part-Time and 8 Full-Time will cause school entities to hire additional teachers and assistants, and open new classrooms. This will 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.

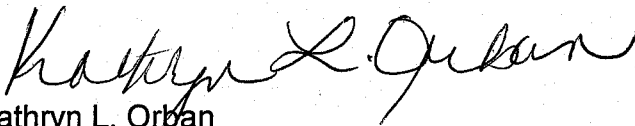
Reducing the caseload to 8 will not enhance the educational experience that the students will receive, nor significantly increase the achievement levels of these students.

**Recommendations:**

1. Retain the caseload/class size charts and definitions 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 Multiple Disabilities Support classes, then increasing the caseloads to 12 Part-Time and 12 Full-Time 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 that has gone into making the proposed regulations a tool to provide an appropriate education for all students.

Sincerely,



Kathryn L. Orban  
Superintendent

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Copy: Mrs. Brigitte Birch, Coordinator of Special Ed and Pupil Personnel Services