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INDEPENDENT REGULATORY
REVIEW COMMISSION

Jim Buckheit, Executive Director
State Board of Education
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Re: Comments Regarding Proposed Regulations
Chapter 14 - Special Education Services and Programs

Dear Mr. Buckheit:

PSEA submits the following comments on the Chapter 14 Proposed Regulations:

Personnel: Instructional paraprofessionals who are full-time in school entities receive hours of in-service training as well as support from the professional staff. This should be recognized by the State Board as meeting the rigorous standards being recommended in the draft regulations.

For new hires, the requirement that instructional paraprofessionals have two or more years of post secondary study creates serious logistical problems for schools that would have negative consequences for the students. Having this requirement without lead time sets schools up for having long-term vacancies. This, in turn, creates unmanageable strains on staff and places IEPs out of compliance. Additionally, current salary structures have not been constructed to adjust to the proposed requirement. This has the potential of creating higher turnover rates as staff with post secondary education move to other jobs they are equally qualified for outside of the school entity for better salaries. Another consideration is when a child moves into a school district and needs specially designed instruction that includes an instructional paraprofessional. The district will not have the option of transferring staff from other positions to assist this student until the job is posted and a person hired. For these reasons PSEA recommends the deletion of the requirement.

Educational Interpreters: We urge the State Board to provide for the staff development hours to be obtained during the work day (before or after student class time and on in-service days) at no cost to the educational interpreters. This is especially important and warranted due to the lower salaries earned by these staff.

Definition of Instructional Day: PSEA recommends that the State Board define what the professional employees' instructional day encompasses because the Caseload Chart makes the instructional day a part of the mathematical equation when calculating the number of students that will be assigned to a special education teacher. Our recommendation is that it be defined as the contractual hours worked per day.

The PSEA Mission

To advance quality public education for all students while fostering the dignity and worth of members through collective action.

Affiliated with the National Education Association

Caseloads for Professional Staff: PSEA appreciates that the State Board realizes that Special Education is different in the delivery models being used today as compared to when the regulations were reviewed previously. Based on the chart posted in the Pennsylvania Bulletin, PSEA recommends that Level I have a maximum of 40 students, Level II have a maximum of 20 students, and Speech and Language Support have a cap of 50 students. The rationale for this position is that students with many more needs for specially designed instruction are included in regular education classes. Another trend based on the Gaskin Settlement is the shifting of students to more inclusive settings via districts completing Needs Assessments, targeted monitoring, and focused training of administrative, professional staff and parents. Additionally, the data is showing the upward trend of students being identified with autism which is impacting the service delivery models.

PSEA supports definitions for case management, replacement services, and supplemental services. The more clarity we can give in the caseload section the better.

Child Find, Screening and Evaluation: PSEA supports the draft language that oral requests for evaluations result in evaluation request forms being sent to the parent within five school days. We request that the State Board allow professional staff the ability to request evaluations that school entities must comply with and proceed with the parent evaluation request form.

Additionally, PSEA supports the current State Board language of 60 school days for evaluations. The rationale is that there are specific times of the year and specific grades in which requests for evaluations increase. This allows the schools to stay in compliance. We also believe that a good evaluation needs to include observations and time to see if specific strategies work for a child so that this data can be reflected in the evaluation so the team can maximize their assistance to the student.

Least Restrictive Environment: We support the federal language in IDEA and court rulings on the subject of Least Restrictive Environment. We ask that the State Board consider that the draft language being proposed goes beyond federal requirements and court guidance. PSEA asks that the draft language be aligned with federal language. Additionally, we support 14.104 (4) that states that the Special Education Plan gives access to a full continuum of educational placements as required by the student's IEP.

Behavior Support: PSEA supports the draft language that includes a description of the training provided to staff in the use of positive behavior supports, de-escalation techniques, and appropriate responses to student behavior. We prefer this model that includes planning and education that will give staff the appropriate methods and skills to

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support students in the educational setting. PSEA does not support the removal of techniques that will impact the safety or well-being of students or staff.

There is a need for a definition of restraints and having a time frame of 30 seconds gives staff the guidance to better understand what the State Board is asking of staff. PSEA asks that you maintain descriptors. Teacher, therapist, and support personnel want to support students with challenging behaviors so they can access their academic and functional programs.

IEP: When the IEP is revised, the regulations should require that parties that have a need to know, because they will play a role in the delivery of the revised portions of the document, receive copies or the information is shared with them. This includes bus drivers and paraprofessionals. PSEA continues to get phone calls from members asking why they were not informed about a specific child's needs. They are assigned to work with or transport the child and were told by administration that it was illegal to share IEP information because of confidentiality.

Sincerely,



Bernard R. Miller, III
Director for Education Services
Pennsylvania State Education Association

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cc: ✓ Kim Kaufman, Executive Director, IRRC
Raphael J. Musto, Senate Education Committee Minority Chair
Jeffrey E. Piccola, Senate Education Committee Vice Chair
James J. Rhoades, Senate Education Committee Chair
James R. Roebuck, Jr., House Education Committee Chair
Jess M. Stairs, House Education Committee Chair