



Testimony to the House Education Subcommittee on Special Education

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Good morning, Subcommittee Chairman Ortity, Subcommittee Chairwoman Hill-Evans, and members of the House Education Committee. Thank you for hosting this hearing today and allowing us the opportunity to testify. My name is Carole Clancy, the Director of the Bureau of Special Education at the Pennsylvania Department of Education (PDE).

Special Education has been around since 1975, when P.L. 94-142 afforded a Free and Appropriate Public Education (FAPE) to all students with one of the 14 disability categories under the law, provided protections for the students, and required states and localities to ensure the effectiveness of efforts to educate all children with disabilities. This federal law was reauthorized in 2004 and is now known as the Individuals with Disabilities Education Act (IDEA). States may impact the implementation of IDEA through state statute and regulations. Chapter 14 of Pennsylvania Code Title 22 regulates special education services and programs.

The 2004 reauthorization emphasized ensuring the provision of FAPE within the least restrictive environment, and shifted the focus from compliance to improved student outcomes. States' performance is now measured against 17 indicators, including graduation and dropout rate, timely eligibility determinations, least restrictive environment, parent involvement, and dispute resolutions. Of the 17 years of annual determinations from the federal Office of Special Education Programs (OSEP), Pennsylvania has met requirements 16 out of 17 years, and for 15 years consecutively.

As of December 1, 2020, there are 307,594 students eligible for special education in Pennsylvania, representing 18.1% of the total public-school population.

To be eligible for special education, IDEA requires a student be evaluated to determine if they are eligible under IDEA to receive special education services. This is a two-pronged determination: does the student have one of the disability categories under IDEA, and does the child require specially designed instruction? If the answer to both of those questions is "yes," the student is eligible for special education. Eligible students must be re-evaluated at least every three years for every disability except "intellectual disability," for which students must be re-evaluated every two years. However, students may be re-evaluated at other times if additional information is necessary to determine the educational needs of the student.

The most prevalent disability category in Pennsylvania is "specific learning disability;" the least prevalent is "deaf-blind." The disability categories "autism" and "other health impaired" are increasingly prevalent, while "specific learning disability" is decreasing. Special education



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services are to be individualized and written into a plan by a team of appropriate professionals and parents and/or guardians. The team creates an individualized education plan, commonly referred to as an IEP, which outlines current information about the student, the specially designed instruction, and any related services such as transportation or nursing services so that the student receives FAPE, and sets annual goals for the student to progress toward. These plans are living documents that can be revised as necessary, but at least once annually.

There are nine different types of supports eligible students can receive, such as Learning Support, Emotional Support, Life Skills Support, Autistic Support, Speech and Language Support, Physical Support, and Multiple Disabilities Support depending on their specific individualized needs. A critical requirement is that all students are educated in the least restrictive environment, considering all supplementary aids and service in the regular education classroom first. In PA, 62% of students eligible under IDEA are educated in general education at least 80% of the day, 9.8% of eligible students are in general education settings less than 40% of the day, and 4.7% of eligible students are educated in other school settings. Most Pennsylvania students eligible under IDEA are enrolled in public schools and are educated in the general education classroom for the majority of the school day. The less than 5% of eligible students in other school settings attend a variety of school entities including Intermediate Unit programs, private schools and [Approved Private Schools \(APS\)](#), [Chartered Schools for the Deaf and Blind](#), and Private Residential Rehabilitative Institutions (PRRIs).

Once a student is eligible for services, they are entitled to the Procedural Safeguards/protections under the law which govern the processes for parents to seek due process if they feel their child's access to FAPE is or was being denied.

The greatest challenge during the COVID-19 pandemic has been how to provide FAPE and maintain health and safety. There has been an array of supports and instructional opportunities developed by our PaTTAN system, Intermediate Units, and school systems in an effort to continue to provide FAPE during the pandemic. Dr. Kirby will highlight some of those learning and instructional opportunities.

### ***Angela Kirby, Ed.D., Director, Pennsylvania Training and Technical Assistance Network***

Thank you for the opportunity to speak with you today about how PaTTAN, the Pennsylvania Training and Technical Assistance Network, supports the efforts of the Bureau of Special Education (BSE) to ensure students with disabilities receive carefully developed and implemented individualized educational programs.

I am Angela Kirby, Ed.D. and I serve as the Director of the PaTTAN, Harrisburg office. In that role, I am responsible for leading statewide training, technical assistance efforts in a wide range of evidence-based universally designed instruction, and intervention supports for students with disabilities as well as students who are at-risk for being identified as students with disabilities. At



the direction of BSE, PaTTAN provides Pennsylvania educators with training and on-site technical assistance in the following areas:

- Accessible Instructional Materials
- Attract, Prepare and Retain (Special Educators, Administrator and Related Service Providers)
- Autism
- Assistive Technology
- Blind and visual impairments
- Corrections
- Deaf-Blind
- Deaf-Hard of Hearing
- Family Engagement
- Learning Environments and Engagement (include statewide Positive Behavioral Interventions and Supports)
- Literacy
- Mathematics
- Multi-Tiered Systems of Support (MTSS) Academics
- School Psychology
- Significant Cognitive Disabilities
- Special Education Leadership
- Speech Language Pathology
- STEM/Computer Science
- Supporting Students with Disabilities in Virtual Environments
- Universal Design for Learning (UDL)
- Transition

A comprehensive listing of all BSE-supported PaTTAN initiatives can be accessed at [pattan.net](http://pattan.net).

PaTTAN provides a full array of professional development and technical assistance targeted to improving student results. This professional development and technical assistance takes many forms in order to meet the varied needs of PaTTAN's constituents. Week-long summer institutes, ongoing professional development series, webinars, on-site assistance, and individual student or teacher supports are some of the means by which PaTTAN provides support to schools. The 2021-2022 school year promises to be an opportunity to accelerate learning for ALL Pennsylvania students. As we have done since the start of Covid-19, PaTTAN will continue to support educators and students by providing training and technical assistance, and distributing accessible instructional and technology supports. Furthermore, at the direction of PDE, and with the support of our intermediate unit partners, PaTTAN helped to build out supports for educators to accelerate learning for all students. "[Accelerated learning](#)" is an effort to mitigate any learning gaps and emotional health concerns through an integrated system of support. Of specific note is



the [scaffolded supports](#) training, which provides educators with the tools they need to meet the diverse nature of the students we serve across the commonwealth. A cornerstone to this approach is the use of benchmark, diagnostic and formative assessment tools in order to determine how to best ensure the provision of universal, strategic and intensive instructional and intervention services.

In addition to supports for teachers, PaTTAN is committed to supporting parents of students with disabilities. To that end, the family engagement initiative has educational consultants in each office whose role is to provide parents with technical assistance as they navigate the complex world of special education services.

One of the major responsibilities of the PaTTAN network is to assist the BSE with its role in meeting federal and state special education regulations. PaTTAN works closely with the BSE in developing the needed professional development and services for Pennsylvania to meet its requirements under the Individuals with Disabilities Education Act (IDEA) and Chapter 14 of the Pennsylvania School Code. These services include professional development that is linked to the 17 Indicators required in the State Performance Plan, the development of compliant special education forms, the annual collection of student data, and the monitoring system used by the BSE to address IDEA and Chapter 14 requirements.

PaTTAN also maintains a short-term loan library, which offers a broad array of assistive technology devices. An assistive technology device is defined in IDEA as “any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.” The definition covers a broad range of devices, software, apps, and strategies that may be very simple or quite high-tech. PaTTAN lends these assistive technology devices to Local Education Agencies (LEAs), which helps them determine the appropriateness of a particular device for an individual student prior to the LEA or parent purchasing the equipment. In addition, the PaTTAN Accessible Instructional Materials Center provides large print and Braille text materials to students who are blind or visually impaired. PaTTAN represents the Department of Education as the Ex-Officio Trustee with the responsibility of managing and coordinating federal quota funds with the American Printing House for the Blind (APH) for the purchase of text and educational supplies for students who are legally blind.

There are three regional PaTTAN offices that work with the twenty-nine intermediate units throughout Pennsylvania: a western office located in Pittsburgh, a central office in Harrisburg, and an eastern office in Malvern.

Thank you, for allowing me to highlight some of the ways the PaTTAN system supports the efforts of the Bureau of Special Education across the commonwealth. We look forward to answering any questions.