



**Pennsylvania House of Representatives  
Special Education Subcommittee Members**

**Testimony on the Special Education Services in School Districts**

**presented by**

**The Pennsylvania Association of School Administrators  
Dr. Michael Leichliter, Superintendent of the Penn Manor School District  
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Chairman Ortity and House Special Education Subcommittee members, my name is Dr. Michael Leichliter, Superintendent of the Penn Manor School District, located in Lancaster County. We serve over 5,400 students in 10 buildings across 110 square miles. Penn Manor is a diverse district in terms of geography, socioeconomic status, and racial/ethnic composition. Our students come from suburban, rural, and urban fringe neighborhoods. In addition, approximately 30% of our student population are students of color. I appreciate the opportunity to provide the Subcommittee with some information and comments about the requirements of school districts to provide special education services to students.

I will focus my comments on the special education identification and program services. My colleague, Dr. Shane Hotchkiss, will focus on the special education progress monitoring of educational goals.

All school aged children in Pennsylvania are entitled to special education services as identified in the federal Individual with Disabilities Education Law (IDEA) if they qualify, in order to ensure a Free and Appropriate Public Education (FAPE). Public school districts in Pennsylvania are required to meet requirements of IDEA to ensure that all children have access to the educational resources, programs and services needed to be successful. In order to assure that IDEA is effectively implemented, school districts must find and evaluate students thought to have

disabilities at no cost to families. This is often referred to as the “Child Find” provision of IDEA.

Although students must have a disability to qualify for special education services, it is the district’s responsibility to screen and evaluate students who may need these services. Parents may also request that their child be tested for special education services. Whether a parent has a child with a disability, or the parent believes their child may have a disability, parents have the right to be notified of the safeguards that serve to protect the rights of their child. This is referred to as procedural safeguards. The school must provide parents with a copy of the Procedural Safeguards Notice at least once each school year.

In addition, the law requires parents to be informed and issued a Procedural Safeguards Notice:

- at the time of an initial referral or parent request for an evaluation
- when the school proposes to change the identification, evaluation, educational placement, or the provision of a free appropriate public education
- when the school refuses a parent request to change the identification, evaluation, educational placement, or the provision of a free, appropriate, public education (FAPE).  
This includes the procedures to maintain the privacy of the student’s education records.

Once a parent or guardian has signed a permission-to-evaluate form, the school district must schedule and conduct an evaluation within 60 calendar days. This evaluation must be conducted by a school psychologist or other appropriate certified professional within or outside the school system.

There are two examples where Penn Manor is seeing additional impact from the evaluation process. One area is the increased number of students with an existing IEP from another state who move into the district. When this occurs the school district must initiate an evaluation which adds additional time and attention on the part of our special education staff. Additionally, the school district is also seeing a growing number of bilingual evaluations which result in the need to contract with a bilingual school psychologist in order to provide an appropriate evaluation for the student as well as provide feedback in a language that the parent is most comfortable.

When a student has been evaluated and identified to need special education services, an Individualized Education Plan (IEP) is developed by a Multi-Disciplinary Team that include the parents. The IEP may include a wide range of services depending on the student's disability.

These services may include but are not limited to:

- Specially designed instruction within the regular education classroom
- Classroom accommodations in the regular education classroom
- Small group or individualized instruction
- Assistive Technology Devices
- Assistance from an Instructional Aide
- Assistance from a Health Aide
- Occupational Therapy
- Speech Therapy
- Physical Therapy
- Psychological Counseling
- Special Transportation
- Placement in a specialized program outside of the school setting
- Other accommodations or services identified by the IEP Team
- Behavior supports
- Feeding teams for students with significant medical needs
- Sensory Issues
- Nursing services

The IEP is typically evaluated annually but can be evaluated any time at the request of the parents or school entity.

Please note, that once the IEP Team, which includes the parents or guardians of the student, decides what services are needed for the student to enact the (IEP), cost may not be a factor in determining whether or not services are provided to the student. Consequently, special education costs can become significant and unpredictable for school entities. This not only depends on the

number of students identified as requiring special education services, but also on the needs and the types of services that are required for students. For example, Penn Manor has seen more complex behavior needs from students, particularly from students who are moving into the school district. As a result, the district hired a dedicated behavior specialist in order to provide appropriate services for the student and guidance for the instructional staff who work with these students.

As many of the committee members may know, the IDEA Law is a federal mandate that was enacted in 1975 by Congress, with the understanding that the federal government would pay for up to 40% of the cost for special education programming. The federal government has never provided more than 18% of the cost to states and typically provides about 12-14% annually. The state share to districts is about 22%, leaving the majority of the cost of this federal mandate to be borne by the local school district's taxpayers.

Some specialized services that are required in a student's IEP can be difficult to secure for school districts as there are limited entities and professionals available in some areas of the state to provide the services needed. Also, when these specialized services are available, they can be very expensive, as there are often few options for districts to consider. This has been a challenging and recurring problem for school districts dating back several decades and has been exacerbated by the growing shortage of professional educators who work with special needs children.

I would also like to bring to the committee's attention the additional regulations that are placed on Pennsylvania school entities but not required by the Federal IDEA Law. These additional regulations create additional and unnecessary burdens to school entities in processing special education evaluations and services.

State policies that currently exceed federal requirements include:

- Completion of evaluations and reevaluations of students within 60 calendar days, not 60 school days as permitted by federal law. The shorter timeframe requires schools to employ additional school psychologists and other staff.
- Students with an intellectual disability must be reevaluated every 2 years rather than 3 years as required by federal law.
- Requirements that new teachers of special education hold dual certificates in both special education and the subject area/grade level in which they will work. This requires additional staffing levels.
- Requirements that instructional classroom aides and personal care assistants assigned to work with students with disabilities must hold a two-year college degree or its equivalent. This higher standard for these employees has increased the cost to employ these personnel.
- Requirements that classroom aides be provided at least 20 hours of professional education each year. This should be a local decision based on the needs of district and services required for the students.
- Transition planning for students must begin at age 14. Federal rules require transition planning at age 16.
- Extended school year services and timelines exceed federal requirements.
- State requirements for discipline of students with disabilities through suspension or expulsion exceed federal requirements by treating such actions as changes in placement, which require costly procedural actions.
- Teacher-student caseload maximums increase staffing levels and limit district flexibility.

- The amount of homebound instruction provided to a student with a disability is limited to 30-days, regardless of the circumstances.
- The assessment, plan development, notification and reporting requirements for behavior supports exceed federal requirements.
- When parents request mediation in lieu of filing a complaint, the district must maintain the educational setting for the child.
- The complaint and dispute resolution process continues to impose a considerable burden on school districts in terms of time required by teachers, school psychologists, principals, specialists, and district administrators to prepare for and participate in hearings that otherwise could be focused on serving students throughout the district.
- In addition, legal costs associated with these proceedings can climb very quickly, many times costing a district thousands of dollars. There is very little incentive for parents and their attorney to come to a quick resolution, as the school district is required to cover the legal costs of both the parents and the district. We encourage the committee to consider alternative dispute resolution processes such as mediation to help resolve disputes in a timely, less costly manner.

Creating better alignment between state and federal regulations would offer school entities opportunities to better serve their special education population in a more efficient and cost effective manner.

Thank you for offering me the opportunity to address the committee. I will be happy to answer any questions that you may have at this time.