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Written Testimony  
The Arc of Pennsylvania  
House Education Committee  
Special Education Services in Pennsylvania  
October 6, 2021

Thank you for the opportunity to provide testimony regarding special education services here in Pennsylvania. This testimony focuses on the needs of students with intellectual and developmental disabilities (IDD) who receive the Commonwealth's Special Education services.

The Arc of Pennsylvania, which is a member of The Arc US, is the state's leading advocacy network for the human rights of Individuals with Intellectual and Developmental Disabilities (IDD). For the past 71 years, The Arc of Pennsylvania, our local chapters which serve 50 of Pennsylvania's counties, and 12,000+ members, have worked to ensure that children and adults with intellectual and developmental disabilities receive the support and services they need, are included in their community, and have control over their own lives.

Special Education Services in Pennsylvania is at a critical point. Pennsylvania led the nation in providing a public education to students with disabilities following the PARC Consent decree in 1971; however, school districts struggle to provide students with IDD the essential supports and services they are entitled to under the Individuals with Disabilities Education Act (IDEA) due to historic under-funding at both the Federal and State level. The outbreak of the COVID-19 pandemic and the shift to virtual learning has also significantly impacted the education of students with IDD. Students with IDD faced great challenges in this time of online learning as many of the supports and services they need to access learning and receive a free and appropriate public education (FAPE) do not readily adjust to a remote learning format.

For the state and school districts to ensure that students with IDD receive the fullest educational supports and services possible, The Arc of Pennsylvania makes the following recommendations for reforms:

- **Prioritize an inclusive educational experience for students with IDD.** The opportunity for students with disabilities to access inclusive education is imperative for their future. Studies have shown that students with disabilities and their non-disabled peers both benefit when classrooms are inclusive. Purposeful steps need to be taken by school officials to ensure that students with disabilities are not needlessly segregated from their non-disabled peers in the name of health and safety or due to staffing shortages. While families recognize that schools must take every precaution necessary to ensure the health and safety of all students, recommendations should not restrict students with disabilities from interacting with non-disabled students or receiving an inclusive education. Also, The Arc of Pennsylvania recommends that guidance and



Inclusive.  
Dedicated.  
Determined.

support is provided to open the full school 'community' to students with disabilities. This means not only an inclusive classroom and curriculum, but extracurricular activities, field trips, clubs, and all the opportunities their peers without disabilities have access to. Socialization is a critical component of any child's education, and especially critical for students with IDD. It is through these social interactions where many students with disabilities learn the soft skills necessary to build relationships and interact in an employment setting. By enabling the full education experience and prioritizing inclusive access to extracurricular events, schools will be providing students with IDD a holistic educational experience.

- **Support school districts in the recruitment and retention of qualified staff - such as special education teachers, paraprofessionals, educational assistants, etc. – who support students with IDD in the classroom.** Like many other sectors, school districts are facing a massive shortage in qualified professional staff, especially staff who support students with IDD. Paraprofessionals are a critical component in schools providing students with disabilities the supports they need to excel in their learning. If school districts cannot provide staff supports that are needed, then they are violating the student's Individualized Education Program (IEP). We must ensure that all students with disabilities have access to the full range of supports and services needed to access FAPE, and this includes ensuring that students have the appropriate staffing supports.
- **Promote better coordination and access to vocation education for students with more complex needs.** Often, students with more significant impact of disability are overlooked or excluded from consideration for vocational education because of the impact of their disability and the current format for expected outcomes from attendance at vocational education schools. Determinations of a student with significant impact of disabilities success at a vocational/technical school should include consideration of ability to develop a skill set in a field of vocational interest, not based only on full completion of the vocational career certificate. We continue to see advances in customized employment as a support for individual with disabilities seeking employment post public education. Therefore, access to a vocational education opportunity for students with significant impact of disability can have a profound effect increasing employment opportunities available as they exit high school. Efforts should be made to align vocational opportunities to plans in a student's IEP, and the focus should be on skill transfer and skill development; not on whether the students complete a full certificate tract in the vocational program. The Arc of Pennsylvania recommends that the state board of education and the state board of vocational education improve coordination and communication efforts to ensure that students with disabilities have access to critical vocational skills training
- **Shift the Burden of Proof to School Districts in a Special Education Due Process Hearing.** Currently in Pennsylvania, families who disagree with a school's implementation of their child's IEP plan are required to bring the burden of proof that the school district isn't meeting their child's educational needs. This is because Pennsylvania did not establish guidelines prior to the Supreme Court's decision in 2005, which said that unless states had a requirement in place for which party (family or school district) bore the burden of proof the burden fell on the plaintiff. Due to financial costs, few families can continue with a due process hearing and subsequent court action if they believe the school district is at fault. The Arc of Pennsylvania recommends that the burden of proof in meeting a child's education needs under their IEP be placed on the school district and not the family.
- **Apply the Special Education Funding Formula to Charter Schools.** The Commonwealth's adoption of the Special Education Funding Formula (SEF) was done through the work of the Special Education Funding Commission to address the growing disparities in funding for special education costs faced by school districts. The SEF implemented a tiered funding system for each individual student with IDD that based funding on the student's level of need – the greater the supports and services needed to receive FAPE, the higher level of

funding the school district received for that student. The Arc of Pennsylvania recommends that the Special Education Funding Formula be applied to Charter Schools as well. Charter Schools receive funding for special education based on the median percentage of students with intellectual and developmental disabilities in that specific school district. This enables Charter Schools to serve a special education student, who would qualify for Tier 1 funding under the SEF but receive funding as if the student is a Tier 2. For the Commonwealth to not equitably apply the SEF across both public schools and charter schools, leads to high inequity of funding for special education to the benefit of one entity over another in a time where funding is essential to ensure students with IDD receive FAPE.

Again, thank you for the opportunity to provide comments on Special Education Services for students with intellectual and developmental disabilities in the Commonwealth.



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