

## **Pennsylvania Special Education Funding Commission**

**Testimony of Nan Porter, Vice-President of the**

**Alliance of Approved Private Schools**

**August 22, 2013**

Good morning, Chairman O'Neill, Chairman Browne and members of the commission. My name is Nan Porter and I am Director of the Martin Luther School in Plymouth Meeting in Montgomery County and the Vice-President of the Alliance of Approved Private School. I have been employed by Martin Luther School since 1989 first as a teacher and as the Director since 1999. Our student population, like other APSs, has changed over the years, but our expertise has always been in working with children with severe and often dangerous behavioral issues. Our students are in grades K-8 and come from Montgomery and the surrounding five counties. I am testifying today on behalf of the Alliance of Approved Privates Schools and our students and their families. The Alliance represents 29 of the 32 Approved Private Schools in the Commonwealth.

As the Commonwealth explores new Special Education Funding options I appreciate that you are able to consider the Approved Private Schools who serve the most vulnerable students – those with the most severe and complex needs. The Approved Private Schools (APS) are an important part of the Commonwealth's continuum of special education programs

APSs are approved by the Commonwealth under state statute, to provide a free appropriate special education for students with severe disabilities who, by the nature, severity, and complexity of their disabilities, cannot be appropriately served by public school special education programs. Because of APSs approved status, they are eligible to receive funds from the school districts and/or the Commonwealth of Pennsylvania for the special education of eligible students. Each APS maintains appropriate licensing from the Commonwealth Board of Private Academic Schools. Teachers and Administrators in APSs are required to maintain public school certification.

Pennsylvania has thirty-two (32) Approved Private Schools (APSs) and four (4) Chartered Schools for the Deaf and Blind that serve over 3,500 day and residential students with severe and complex disabilities who require special education placements in these highly effective programs. This number of students represents approximately 1.5% of all the eligible students who receive special education services in the Commonwealth. These are the children that are reflected in the third tier of Act 3 of 2013. APSs serve all fourteen federally defined categories of disabilities. Children who attend an APS have one or more of these fourteen disabilities. Attached you will find a list of all of the Approved Private Schools and Chartered Schools for the Deaf and Blind that indicates the disabilities they are

licensed to serve as well as age ranges. This list comes from the PDE website. All of the disabilities of the children who attend the APSs are significantly severe and complex in nature.

APSs support the Least Restrictive Environment for a student. In 2010—11, the APSs had approximately 17% of our students change placement of that 76% either graduated or returned to a less restrictive placement. APSs have worked with school districts to provide educational resources, so that child can stay at the school district versus being placed at an APS.

The PA Department of Education approves partial funding for the placement of eligible students and young children in APSs. Placement of a student in an APS must be based on the student's individual needs. Chapters 14, 342, and 171 of the Commonwealth's special education regulations and standards govern placements. These provisions require, among other things, that placement is based on the following:

- the appropriate level of intervention,
- the appropriate location of intervention, and
- the appropriate grouping of students

The majority of students enrolled in APSs also have related disorders and/or medical problems and many have multiple disabilities. Often the medical problems are complex, acute and chronic, such as asthma, diabetes, epilepsy, heart conditions, hemophilia, lead poisoning, tourette syndrome, mental health etc.

Enrollment in an APS is decided by the Individual Educational Program (IEP) team process and reviewed at least annually. The parents/guardians and Local Education Agency (LEA) personnel may recommend that a student be referred for placement in an APS if an appropriate special education program is unable to be provided in the district. The program outlined in each student's IEP must necessitate a level of service available in an APS. The parent/guardian and the LEA must agree to placement in the APS.

The LEA may obtain funding assistance from the Department of Education; a formal request for this funding assistance is submitted to the Department with the appropriate forms and documentation. If the Department approves funding assistance, the Department will pay 60% of the tuition, the LEA is responsible for the remaining 40%. Tuition for each APS is confirmed by annual audit reports reviewed by the Departments Bureau of Special Education.

After many years of unpredictable funding for the APSs, a new funding formula was enacted into law in 2004. Act 70 of 2004 established that each APS is paid its full funding over a 12-month period (July 1-June 30). The Act 70 funding formula

determines the amount of money an APS would receive to serve the following fiscal year's eligible students. The formula is as follows: 125% multiplied by the percentage increase of the Commonwealth Special Education appropriation.

For example, if the percentage increase in the appropriation for the current year's special education budget for public schools was 2%, this percent would be multiplied by 125%, yielding a 2.5% increase for the APSs for the next fiscal year. The Act 70 funding formula provided budget predictability to both the Commonwealth and to the APSs.

However as a result of the way that American Recovery and Reinvestment Act of 2009 (ARRA) funds were distributed, the PA Special Education budget line has remained flat-funded since the 2009-2010 fiscal year. This has resulted in flat-funding for the APSs. Because the special education line item is currently flat-funded, APSs are scheduled to be flat-funded for a fourth year consecutive year (2010-2011, 2011-2012, 2012-2013, and 2013-2014). Each August the APSs establish a proposed full time equivalent for the upcoming school year, based on their allocation, budget and previous years FTE. Once this number has been reached the APS must decide whether they can accept another 4010 funded student or not. One of the effects of the years of flat funding is that APSs are able to accept fewer 4010 funded students. LEA's often choose to place a student at an APS paying 100% of the tuition until a 4010 funded spot becomes available, placing additional financial strain on the LEA.

Other effects of the years of flat funding include: reducing programs or services, not replacing textbooks and equipment, laying off staff, reducing staff benefits, such as retirement and healthcare and freezing salaries, which are already considerably lower than their public school counterparts. APSs have historically pioneered new programs and techniques, or partnered with LEAs or other APSs to create programs that best meet the varied educational needs of the students, with years of flat funding the focus has moved to preserving the programs we have instead of looking forward.

APSs commit considerable private funds, resources and technical assistance in support of Pennsylvania's children with complex special needs. If public schools were required to institute a similar range of unique special education services, the cost to the Commonwealth and/or to LEAs would be cost prohibitive. All the APSs are either freestanding not-for-profit organizations or part of larger not-for-profit organizations. Unlike school districts, we cannot impose a tax.

We are pleased that the General Assembly is taking a closer look at the funding for special education. As educators of those children who have the most challenging needs, we understand the benefit of early detection and assistance. Since our funding formula is indexed on an increase in the special education line-item, we felt it necessary to highlight a concern we have with a provision in Act 3 of 2013. The Act includes a hold harmless provision that we worry may result in a proposal that

holds the current line-item at level-funding and creates a separate line-item for allocation under a new formula proposed by this commission. If this should happen, the APS would need to amend our funding formula, so that future increases are indexed on this new line-item.

Thank you for the opportunity to share with you what the APSs do, the families and children that we serve and our funding concerns. If I can be of any additional assistance please do not hesitate to contact me.

**PENNSYLVANIA APPROVED PRIVATE SCHOOLS FOR SPECIAL EDUCATION  
APPROVED PROGRAMS AND AGE RANGE SERVED**

<b>SCHOOL</b>	<b>AUT/ PDD</b>	<b>BL</b>	<b>CP</b>	<b>DF</b>	<b>MD</b>	<b>ID</b>	<b>NI</b>	<b>SED</b>
ACLD Tillotson School							4.7-21	
Camphill Special Schools, Inc.						5-21R		
Centennial School	6-13							6-21
The Day School at The Children's Institute	2.7-21		2.7-21				2.7-21	
Clarke School for Hearing and Speech				3-5				
Community Country Day School								6-21
Davidson School (Elwyn)	3-21R	3-21R		3-21R		3-21R	3-21R	3-21R
Delta School	4-21						4-21	6-21
DePaul School for Hearing and Speech				3-14				
Devereux Schools	5-21R					5-21 R	5-21R	6-21R
Barber National Institute	3-21		3-21		3-21	3-21	3-21	
Easter Seal Society of Western PA	2-8		2-8		2-8		2-8	
Easter Seals of Southeastern PA (Philadelphia Area)	2-8		2-8		2-8		2-8	
Education Center at the Watson Institute	3-21R		3-21R		3-21R		3-21R	
George Crothers Memorial School			3-21			3-21	3-21	
Green Tree School	4.7-21							6-21
HMS School for Children with Cerebral Palsy			2-21R				2-21R	
Martin Luther School	5-14.5					5-14.5		5-14.5
Melmark School	5-21R					5-21R	5-21R	
Overbrook School for the Blind		3-21R						
Pace School	5-16						5-16	5-16
The Pathway School	6-21					6-21	6-21	8-21
Pennsylvania School for the Deaf				2-21				
Pressley Ridge Day School								6-21
Pressley Ridge School for the Deaf				6-21R				6-21R
Royer-Greaves School for Blind*		4.7-21R				4.7-21R		
The Timothy School	5-21							
The Valley Day School	4-21						4-21	4-21
The Vanguard School	4-21						4-21	4-21
The Vista School	3-21							
The Watson Institute Friendship Academy	6-21							6-21
Wesley Spectrum Highland School	6-21							6-21
Western Pennsylvania School for Blind Children**		2-21R						
Western Pennsylvania School for the Deaf				2-21R				
Woods Services							4.7-21R	
Wordsworth Academy	5-21R						5-21R	6-21R

\*Blind with secondary exceptionalities including: CP, MD, ID, NI and SED.

\*\* Blind with other exceptionalities including: CP, DF, MD, ID and NI.

NOTE: "R" indicates residential programs available.

**LEGEND**

<b>AUT/PDD</b>	Autism/Pervasive Developmental Disorder
<b>BL</b>	Blind
<b>CP</b>	Cerebral Palsy
<b>DF</b>	Deaf
<b>MD</b>	Muscular Dystrophy
<b>ID</b>	Intellectual Disability
<b>NI</b>	Neurologically Impaired
<b>SED</b>	Serious Emotional Disturbance