

**LEGISLATIVE COMMISSION
ON SOCIAL EDUCATION FUNDING**

**REMARKS OF IRA WEISS, SOLICITOR
SCHOOL DISTRICT OF PITTSBURGH**

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BIOGRAPHY

Ira Weiss, Esquire is an attorney engaged in private practice in Pittsburgh, Pennsylvania. He received his B.A. degree from the University of Pittsburgh and his J.D. degree from Duquesne University School of Law. Mr. Weiss' office, the Law Offices of Ira Weiss, represents a broad range of municipal and school clients in all matters as Solicitor and Special Counsel. The office serves as Solicitor for a number of school districts throughout Western Pennsylvania and serves as Solicitor to the School District of Pittsburgh. He also has represented numerous taxing jurisdictions in major real estate tax assessment litigation. He has previously served as County Solicitor for Allegheny County. Mr. Weiss has lectured extensively on school and legislation matters as well as tax assessment and real estate valuation matters. He has published numerous articles on these issues. He is an instructor at the University of Pittsburgh, School of Education. Mr. Weiss has been named a Pennsylvania Super Lawyer for 2005 through 2011 and received the 2008 Presidents Award for the Career Achievement in School Law from the Pennsylvania School Boards Solicitors Association.

State Funding Formula for Special Education

The current “census based” state funding formula for special education assumes that sixteen percent (16%) of a district’s student population requires special services and distributes a share of money based solely on that percentage. For the School District of Pittsburgh, whose percentage of students with disabilities is 18.1, it means that all services provided to 2.1% of our students with Individualized Educational Plans remains unfunded. Therefore, it would be most important for the state funding formula to recognize differences in student enrollment.

Additionally, rather than only funding for *numbers* of students, funding can be based upon *need and services provided*. Variables recognizing that not all students cost the same should be considered, as well as weighting students with higher costs. The number of students in any district requiring minimal support vs. the number of students requiring complex instruction and supports and services should be a consideration when funding special education. All districts strive to meet the needs of all students, making sure that they are providing the supports necessary for success academically and behaviorally. However, while one student may succeed with only the support of a teacher, another may need a number of supports and services including assistive technology, door-to-door transportation, individual personal care assistance and small group individualized programming to reach the same goal.

Providing a basic, quality education for ALL students eligible for special education requires, on average, more than twice the cost of teaching students without special needs. Funding reform will benefit families and communities by strengthening the education of all students, increasing instructional effectiveness, reducing dropout rates, improving student performance, and lowering long-term societal costs.

Response to Agenda Questions for Pittsburgh Hearing

Student-based factors that influence the cost of special education programs and services for the children with disabilities in the Pittsburgh School District

Educating students with disabilities is a federally mandated responsibility that is one of the Pittsburgh Public Schools' most costly district programs of supports and services.

The federal Individuals with Disabilities Education Act (IDEA) provides protections for approximately 4500 students or 18.1% of the Pittsburgh Public Schools' total enrollment. These students have been identified as having one or more of thirteen disability categories that impact overall educational performance. Students with an identified disability and a need for specially designed instruction are entitled to a "free and appropriate public education" in the least restrictive environment that meets their individualized educational needs. Noncompliance with IDEA and Pennsylvania Chapter 14 regulations can lead to due process hearings that may result in costly litigation.

As the enrollment in the percentage of students with disabilities has grown in Pittsburgh (2010-11 at 17.7% to 18.1% in 2012-13), so does the cost of special education programs. This growth can be attributed in part to:

- Overall increasing number of needs for individual students or increasing intensity of student needs so that "general education" becomes a less appropriate educational environment;
- Increased accuracy in the diagnosis of learning problems and their cause;
- Families moving into the City of Pittsburgh to access effective specialized programming for students with disabilities.

The increase in the *numbers* of students identified as eligible for and in need of special education services, results in an increase in other cost contributing factors such as:

1. Special Education Teacher salary and benefits;
2. Paraprofessional salary and benefits;
3. Severity of disability and intensity of need (mild to significantly impaired);
4. Students' recommended educational placement : general education classroom or resource room (Learning Support, Autistic Support, Emotional Support, Therapeutic Support, Multiple-Disability Support, Life Skills Support, Hearing, and or Vision Support);
5. Supports and related services as required by his/her IEP (Occupational and Physical Therapy, Speech and Language Support, Vision Support, Orientation and Mobility Training, Hearing Support, Adapted Physical Education, Assistive

Technology Support, Door-to-door Transportation, 1:1 Nursing Care, Personal Care Assistance, Mental Health Services & Supports, Social Skills Training, Transition Services and Travel Training);

6. Utilization of expensive adaptive technology (increase over the past few years);
7. In-District Special Center School Placements for students with complex instructional and support needs;
8. Required Out-of-District placements for students with the most intensive of complex instructional and support needs (Approved Private and Licensed Private Programs);
9. Need for specialized supplemental materials and resources to meet the instructional needs of our students with disabilities;
10. Contracts for specialized services such as nursing, speech and language support and personal care assistance when qualified staff are unavailable.

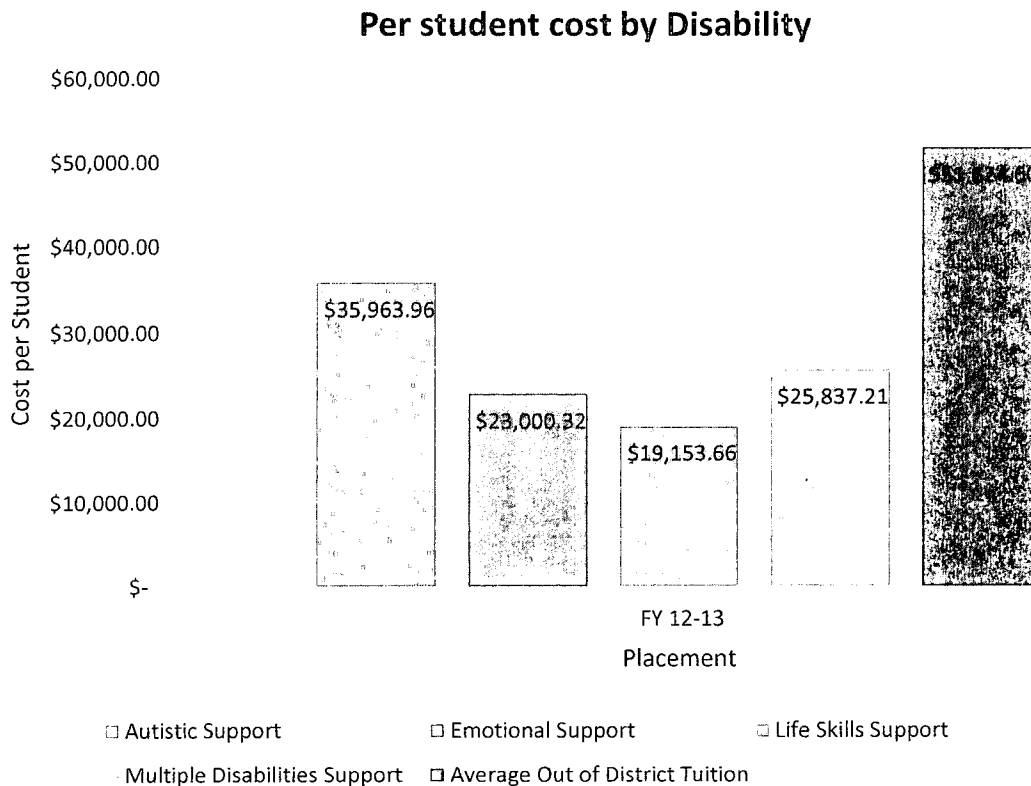
The above factors and continuum of services result in an increase in cost. A student, serviced in a general education classroom, may only require the support of a special education teacher whose caseload could range from 20-35 in Pittsburgh. Conversely, another student, in that same classroom can be diagnosed with Autism and may require not only the support of a special education teacher, but also a number of supports and services identified in #5 and 6 above. For the student with Autism, these supports and services are necessary to achieve academic and behavioral goals as identified in the IEP. The proportion of students with Autism has increased over the past three years from 7.7% of our students with disabilities to 9.7%.

There are 48 resource rooms in Pittsburgh for Autistic, Emotional, and Multiple Disciplinary Support, each of which has a maximum 12 students in need of teacher and paraprofessional support. A student provided supports and services in a Therapeutic Classroom, of which Pittsburgh has eleven (11), requires the support of a full time contracted Mental Health Professional who provides group and individualized therapy on an as needed basis to meet the severe emotional and behavioral needs of our students.

Further along the continuum of supports and services are the District's three Special Center Schools for students with complex instructional and support needs. These students with severe disabilities are supported in highly specialized educational environments located in separate district school buildings. The Special Center Schools require their own specialized teaching staff, intensively trained paraprofessionals and related service providers. There are currently 360 students enrolled in these schools. There are a total of 162 employees assigned to our center schools (73 professional and 89 non-professional).

When the student's IEP requires more intensive services that are best met in programs outside of the District, out-of-district placements are recommended; currently 200 students.

As such, the cost to support students with disabilities can vary greatly across disability category, program support, and educational placement. A comparison of such costs in Pittsburgh Public Schools is listed below:



Pittsburgh Public School data indicates that 55.7% of our students with disabilities are serviced the majority of their day with their typical peers in the general education setting, 13.1% in the resource room environment, and 9.5% in other educational settings.

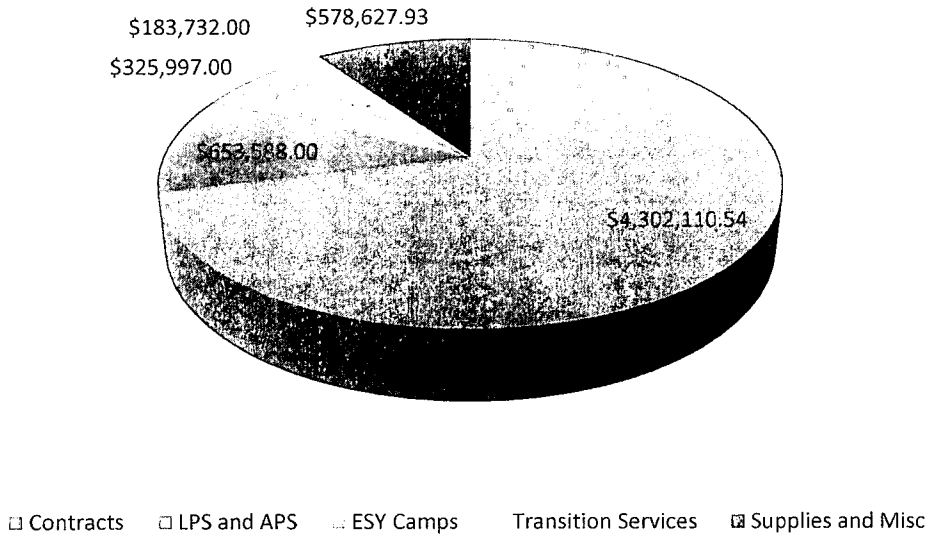
Another factor that influences the increasing costs of special education is Charter school funding for students with disabilities enrolled in Charter Schools. The full Special Education tuition rate is applied regardless of the level of service provided (1, 2 or 5 days a week). With an average of 2 days of service per week, Pittsburgh is overpaying for Special Education by nearly \$3.1 million.

Despite the District's redesign of its Special Education program, the Special Education budget grew 3% from 2011-12 to 2013-14. Over this time period, employee benefits costs have increased 21% and transportation costs have increased 7.8%.

Over the same time period, the District has taken steps to address the cost that are within our control. From 2011-12 to 2013-14, the budget for non-personnel costs has been reduced by 11.34%. Current non-personnel costs for services provided to students with disabilities based upon their specific individual needs continue to be a significant portion of expenditures as student need increases year to year. The 2013-14 budgetary costs for these non-personnel services are:

- Contracts (nurses, psychologists, speech and language therapists, occupational and physical therapists, and mental health professionals); and
- Supplemental materials and resources.

Spec. Ed Non-Personnel Budget FY 13-14



Furthermore, the district’s efforts to comply with federal and state LRE mandates has led to an increase in need for student supports in the general education environment. These supports are provided for students with complex needs through nursing and personal care assistance contracts. From 2007-08 to 2012-13, nursing costs have increased 62.8%.