

## **OP-ED: Pa. students with disabilities deserve better**

Updated: 07/15/2010 01:12:15 PM EDT

There's been a lot written recently about a piece of legislation that would create new state laws for special education funding and accountability.

Let's be clear: The reforms in House Bill 704 are needed because special education was left out when the General Assembly enacted basic education reforms in 2008. Students with disabilities should not be left out of these important reforms and deserve better. These children have waited long enough for the state to pay attention to their needs. The Senate should act before the end of the year to consider and approve HB 704.

Under HB 704, state funding for special education will be distributed based on the actual needs of students and schools. Schools will be held accountable for effectively investing these resources, without creating excessive bureaucracy or paperwork requirements. HB 704 also revises the reforms made for basic education to better match the needs of the special education system and to reflect the lessons learned since 2008. These are huge steps for improving educational outcomes for students with disabilities.

But what does it mean?

For the last two years, no formula was used to distribute special education funding to Pennsylvania's public schools -- school districts received the same funding they received the prior year, regardless of any change in the number of students with disabilities or other cost factors in the schools. The formula used for the past 16 years -- from 1992 to 2008 -- mistakenly assumed that 16 percent of all students in each district need special education.

Many districts have a percentage that is higher than this. For example, York City, Hanover Public and West Shore school districts report more than 18 percent of their students require special education services.

The new formula established under HB 704 will solve this problem in a fair manner. State funding will be distributed based on an objective formula that takes into consideration actual student counts, local cost and tax factors, and variations in educational expenses for students with disabilities who need different intensities of services and supports.

But this isn't just about money. It's also about strengthening the accountability system to provide confidence to taxpayers that education investments for students with disabilities are being made based on research, best practices, careful planning and transparent reporting.

Despite these huge improvements proposed in HB 704, some have criticized the bill for also containing a requirement that no school districts will receive a cut in funding.

One reason for including this requirement is that no bill -- even very good ideas like HB 704 -- can receive approval in the General Assembly if it cuts funding for some while increasing funding for others. Redistributing the wealth isn't popular in the Capitol.

This is unfortunate, but it's political reality. On balance it makes sense for the General Assembly to approve HB 704, even with the hold harmless provision. Here are four reasons why:

First, the state contributes only 32 percent of total spending for special education. The federal government pays only 14 percent. Nearly all schools need more special education funding to relieve local tax pressures, although some need a lot more than others.

Second, since 2003 the annual increase in state funding for special education has averaged only 1.7 percent per year. This has not kept pace with overall inflation (more than 3 percent growth per year), with medical sector inflation (nearly 10 percent growth per year), or with increased numbers of Pennsylvania students with disabilities (2.6 percent growth per year).

Third, the number of students is just one factor in the funding system under HB 704. Some districts with fewer students but higher poverty and higher property taxes may actually need and receive slightly more funding under the legislation.

Fourth, the state funding system for special education has been broken for so long that the current levels received by each district bear no relationship to the needs of the students in that district. The most important priority is to fix the system. State officials can monitor the new system over time and adjust the distribution formula to better match local needs.

Ultimately, the new formula and accountability system in HB 704 looks ahead, not back. No formula by itself can solve all of the problems faced by school districts and their students with disabilities.

For example, strong advocacy will be needed in future years to encourage the General Assembly to match annual funding levels with changes in the number of students needing special education and with the rising cost of providing the services and supports needed to help them succeed in school.

Equally strong advocacy will be needed to ensure that scarce state resources are not siphoned off every year to provide undeserved increases to school districts with falling

special education costs. We hope that many legislators will oppose unjustified funding increases in the future, even if they continue to demand no cuts.

The funding and accountability reforms in HB 704 will make these protections and improvements more likely over the long run.

Our schools can do much better and our children deserve better. Everyone in Pennsylvania benefits when students with disabilities receive an education preparing them for meaningful employment, higher education and self-sufficiency.

-- Baruch Kintisch is the director of policy advocacy for the Education Law Center.