

## **Summary of the Proposed Special Education Regulations Adopted by the PA State Board**

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After a series of starts and stops, cheers and groans, euphoria and consternation, the proposed Chapter 14 Special Education Regulations were adopted by the State Board last month. Though many states choose not to develop Regulations and simply use IDEIA (Individuals with Disabilities Education Improvement Act) revisions to drive policy, Pennsylvania is one of a handful of states who still develop Regulations to determine the implementation of IDEIA.

Now that the latest PA Regulations have been adopted, they still have to move back through government agencies at the state level, as well as through regulatory committees. By May 2008, the Adopted Regulations will be published in the Pennsylvania Bulletin, and they will officially go into effect by July 1.

These Regulations bring some major changes in caseload, requirements for paraprofessionals, and paperwork timelines. Below is a summary of some changes that will affect numerous PFT members.

For a complete copy of the changes in Regulations or for a more complete summary, please contact me at the PFT at (412) 431-5900 or [nina\\_ev@pft400.org](mailto:nina_ev@pft400.org).

### **PARAPROFESSIONALS**

Our district has already worked towards more stringent requirements for paraprofessionals mandated by NCLB and the "Highly Qualified" stipulations. In these Special Education Regulations, PDE has taken the step to define special education paraprofessionals as either "instructional" or "personal care assistants."

An instructional paraprofessional is defined as "a school employee who works under the direction of a certificated staff member to support and assist in providing instructional programs and services to children with disabilities or eligible young children." A personal care assistant "provides one-to-one support and assistance to a student, including support and assistance in the use of medical equipment (e.g., augmentative communication devices; activities of daily living; and monitoring health and behavior)."

Commencing in the 2008-2009 school year, both types of paraprofessionals will have to provide evidence of 20 hours of staff development activities related to their assignment each school year.

Unfortunately, there is nothing in the Regulations that mandates that districts be made responsible for either providing and/or paying for such training. Representatives from the state maintain that there is a myriad of training opportunities provided by agencies across the state – particularly through PaTTAN (Pennsylvania Training and Technical Assistance Network).

## CASELOAD

If you've been following the evolving regulations, you've seen a wide range of charts, formulas and sample levels being presented over the past few months. It was an extraordinarily hot topic that had the most debate and disagreement.

Basically, the Final Regulations contain a compromise move. Below, you'll see that the "new" caseload chart looks a lot like the "old" caseload chart – with one less column and added percentages for supposed improved clarity.

"Part-time" and "Resource" columns – which were very confusing and nebulous – are gone. Actually, they are combined in the "Supplemental" column that includes students who are served by special education for 20%-80% of their day.

Though it may be a bit more clear, it is disappointing that the state adopted the higher "resource" numbers rather than the lower "part-time" numbers.

Obviously, itinerant and full-time caseloads remain unchanged.

CASELOAD CHART  
From PA Adopted Special Education Regulations

	<b>ITINERANT (20% OR LESS)</b>	<b>SUPPLEMENTAL (LESS THAN 80% BUT MORE THAN 20%)</b>	<b>FULL-TIME (80% OR MORE)</b>
<b>LEARNING SUPPORT</b>	50	20	12
<b>LIFE SKILLS SUPPORT</b>	20	20	12 (GRADES K-6) 15 (GRADES 7-12)
<b>EMOTIONAL SUPPORT</b>	50	20	12
<b>DEAF AND HEARING IMPAIRED SUPPORT</b>	50	15	8
<b>BLIND AND VISUALLY IMPAIRED SUPPORT</b>	50	15	12
<b>SPEECH AND LANGUAGE SUPPORT</b>	65		8
<b>PHYSICAL SUPPORT</b>	50	15	12
<b>AUTISTIC SUPPORT</b>	12	8	8
<b>MULTIPLE DISABILITIES SUPPORT</b>	12	8	8

## EVALUATION AND RE-EVALUATION

This change will probably have the most far-reaching impact on our members because it literally decreases evaluation and re-evaluation time from three months to two.

During testimony, a number of parents complained that some school districts played games with taking as much time as possible to get students needed services. I am happy to say that I have never known any of the districts that I have worked in or with do such a thing. The sixty school days were used to complete quality, meaningful evaluations.

Unfortunately, it seems that we'll all have to pay for the sins of a few. The reduction of time is another blow for those trying to juggle the mountain of paperwork with quality instruction.

## BEHAVIORAL SUPPORTS

These regulations include a definition of restraints that states:

“The application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student’s body. The term restraint does not include briefly holding, without force, a student or eligible young child in order to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding student’s or eligible young child’s hand to safely escort her from one area to another.”

Following are key elements of final form regulations: (1) Positive techniques shall form the basis of behavior support approaches and plans; (2) Restraints are defined in such a way as to distinguish them from calming, comforting or guiding gestures; (3) Restraints are to be used only as a measure of last resort; (4) Prone restraint is prohibited, since its use has caused deaths due to restricting the breathing of the individual being restrained (note: NEVER in a public school in Pennsylvania); (5) Students whose behavior interferes with learning are to have positive behavior support plans, as a component of their IEPs; (6) Specific restraints that are outlined in an IEP may only be used with positive measures designed to improve student behavior; (7) Current regulations require an IEP meeting after use of a restraint and final form continues to require schools to notify parents when a restraint has been used, Final form Chapter 14 continues the requirement for an IEP meeting, and clarifies that the IEP meeting must be held within 10 school days unless the parent waives the meeting in writing; (8) In addition, a functional behavior assessment is required subsequent to a student’s being referred to law enforcement.

## PAPERWORK

A frequent question now is “When will the required paperwork changes go into effect?” Mr. John Tommasini, Director of BSE, would like the changes to be in effect for the massive spring IEP writing season. Here’s hoping that the turnover time is too rapid to complete and that we can go through an entire school year without having to deal with any changes in the IEP!

Hopefully, the transition to the new Special Education Regulations here in Pittsburgh and the PFT and the PFT Grassroots Committee will continue to monitor their implementation.