

Testimony to the Education Committee of the Vermont House of Representatives by:

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I have been asked to offer perspectives on the report prepared by Picus Odden & Associates titled, *Using the Evidence-Based Method to Identify Adequate Spending Levels for Vermont Schools* (Final Draft: 1-28-16), commissioned by the Vermont Legislative Joint Fiscal Office. I offer this feedback as a follow-up to my testimony regarding special education to the House Education Committee about a year ago, on January 29, 2015 (see attached testimony with new committee members in mind).

Given the scope of the report (nearly 300 pages), I have focused my testimony primarily on the sections of the report that align most closely with my areas of research (e.g., special education service delivery, use of paraprofessionals) (Report, pp. 86-92). Based on my own research and study of these issues in both Vermont and elsewhere, I offer both points of general agreement with the report and also offer a series of perspectives and potential concerns for your consideration. I would also like to clarify that my field of study is special education, specifically related to curriculum, instruction, and service delivery (e.g., personnel utilization: special education teachers, paraprofessionals, related services providers). Education finance is not my specialty. While it seems reasonable that there are inefficiencies to be addressed in our special education service delivery that should result in cost savings for taxpayers, I encourage caution so education finance changes do not adversely impact educational quality for Vermont's students.

Points of General Agreement with the Report

- I concur with the report's statement: "Policy makers should proceed cautiously in attempting to achieve savings because the complexities of school finance may lead to unintended consequences." (Report, p. 3).
- The report recommends that Vermont build a proactive model of service delivery which includes personnel ratios to total student enrollment; this is a desirable direction to explore.
- Little conceptual, logical, or research support exists for assigning the least qualified school personnel, paraprofessionals, to students with the most significant learning challenges (Report, p. 88).
- Vermont's historic and current special education service delivery is highly dependent, and often inappropriately dependent, on the use of paraprofessionals. Furthermore research highlights that the extensive assignment of paraprofessionals in a one-to-one format can result in a series of inadvertent detrimental effects on students with

disabilities; while it remains an option, other less restrictive options should be pursued first (Report, p. 88).

- The extensive assignment of paraprofessionals is often a symptom suggesting the absence of a proactive model of service delivery. Proactive approaches such as MTSS (Multi-Tiered Systems of Support) that emphasize high quality, evidenced-based instruction for all students, with and without disabilities are desirable.
- It is a concern that Vermont continues to identify increasing numbers of students as disabled, now up to 16%, which exceeds the national average (Report, Executive Summary) and also represents an increase within Vermont over time.
- It is a concern when students who are economically disadvantaged, from under-represented racial/ethnic groups, or are English language learners are disproportionately identified as "disabled" and enter the special education system (Report, p. 89).

Perspectives & Concerns

a. National averages are a questionable source for model development.

The report suggests that the basis the author's "EB (Evidenced-Based) Model" is national averages. Having explored the national data sets related to special education identification, placement, and personnel utilization for many years, I can say with some confidence: (a) that the ranges across states are wide, and (b) reporting inconsistencies exist which result in seemingly illogical (likely inaccurate) outliers that skew the averages; I suggest these federal data be viewed as gross indicators. National averages cannot be fully understood or accurately interpreted without also knowing the distribution of the state averages (how tightly clustered or spread out the states are in reference to the national average) and understanding that those state averages were developed from school or district-level data that also vary widely.

While national averages can help us begin to ask pertinent questions as points of comparison, assuming that such averages are a conceptually sound basis for developing a desirable model of service delivery is highly questionable; therefore I am quite concerned about the statistics used to generate the proposed EB model. For example, in an earlier analysis our project did based on publicly available federal data (Giangreco, Hurley, & Suter, 2009) the percentage of students with disabilities placed in general education classes (80% or more of the time) ranged across states from under 10% to nearly 78%; at the time the national average was about 54% (it has since risen to about 63% nationally). Nationally, special educator caseloads averaged 15 students on IEPs, but ranged from an average of under 10 in several states to over 21 in several others. Mississippi reported an average special educator caseload of over 52; this is a classic example of a likely error in the state and/or federal data that skews the national average. Similarly, the national average for special educator school density (ratio of special education teachers in FTE to total school enrollment) was 1:121, but ranged from 1:80 or less in several states while it was more than double that in several other

states at 1:190 or above (including at least a couple of questionably high outliers). Based on carefully collected data in about 70 Vermont schools, we have found the Vermont state average for special educator school density to be hovering around 1:90 over the past several years. Like other averages, we have documented a wide range, from 1:38 to 1:166.

Wide variation and questionable outliers were found in other national averages for other key variables (e.g., ratio of special education paraprofessionals to students on IEPs). **This leads me to two conclusions: (a) national averages, which are based on widely varying contexts, are gross indicators that typically include reporting inconsistencies and questionable outliers; they are not a conceptually sound or strong basis for building an effective model of service delivery (e.g., personnel ratio to students); and (b) just because certain national averages exist on a variety of variables does not mean they are necessarily appropriate targets for Vermont as a State, or particular schools in Vermont.**

Historically, Vermont has been ahead of the national curve in terms of providing locally-provided special education for a wider range of students with disabilities in the least restrictive environment than most other States; meaning that Vermont has more consistently implemented the least restrictive environment provisions of both the federal law (*Individuals with Disabilities Education Act*) and the corresponding State law and regulations than have many other states. National averages include states that practice much lower rates of including students with disabilities in general education classes and that may also engage in other practices that are inconsistent with Vermont education policies and practices. We don't want to aspire to funding approaches based on service delivery models that are inconsistent with our context.

While I agree with the report's suggestion that Vermont build a proactive model of service delivery which includes personnel ratios linked to total student enrollment, I have serious questions about the specific personnel numbers offered in the report. While having a base starting point for schools is desirable, anyone who spends time in schools knows that one size does not fit all. There are different needs in primary schools versus high schools. There are different needs between relatively affluent school communities and those of the same size with higher rates of poverty or higher than typical percentages of new Americans.

While I support a simplified financial approach that is based on total enrollment in schools and one which provides schools with more flexibility to deploy funds in creative ways (the opposite of the strict limitations that currently exist in regard to the reimbursement aspect of our special education funding), I believe any such funding approach should include adjustments for highly relevant community characteristics (e.g., poverty). Building a proactive model of service delivery requires more input from Vermont teachers, special educators, parents, community members, and other relevant constituents than reflected in the report's panels.

Although it would be expedient if we could simply apply national averages (as the report seems to suggest), I consider such an approach conceptually flawed. Just as we have school quality standards in general education (e.g., class size), similarly we could benefit from having special education service delivery quality standards (e.g., personnel ratios to total enrollment; caseload size and configurations) -- but these should not be determined by national averages. They can be informed by national and state averages as points of comparisons, but should be determined by Vermonters based on what is known about best educational practices, the Vermont context, and the foundations established by the *Individuals with Disabilities Education Act* and corresponding State laws and regulations.

b. Specific proposed personnel ratios are of significant concern.

If I understand the report's numbers correctly, I am alarmed by the suggested personnel allocations (Report, p. 90). Most explicitly, the report suggests for the proposed 10% of students with "mild and moderate disabilities" that the ratio of special education teachers to total enrollment be 1:200 with average caseloads of 20. I find these numbers of great concern and reflective of a lack of understanding of Vermont's educational context. Later (Report p. 91) the report offers a ratio of 1 special educator for every 141 students in a school (presumably the ratio is lower to include students with "severe and profound disabilities"). If enacted, this report's proposed deployment of personnel would substantially reduce the number of special educators serving Vermont students with disabilities.

I raised this concern in a short phone call I was invited to have with Dr. Picus, at the request of Steve Klein (Vermont Legislative Joint Fiscal Office) when the report was still in draft form last week. I sent him peer-reviewed research based on data from Vermont schools indicating a strong relationship between this special educator school density ratio (ratio of special educators in FTE to total enrollment) and special education teacher self-efficacy ratings (Giangreco, Suter, & Hurley, 2013). In other words, in schools with special educator school density ratios and caseloads suggested by the report, special educators (the people actually doing the work) report that they are not be able to effectively do their jobs. Not only does this directly threaten the quality and appropriateness of education for Vermont's students, it makes it more difficult attract and retain quality personnel (a programmatic cost to students and hidden financial cost to schools to recruit, hire, and orient new faculty).

The personnel numbers suggested are further exacerbated by a dramatic decrease in the number of paraprofessionals. While the EB model suggestion of approximately one paraprofessional for every one special education teacher may be conceptually reasonable to ensure appropriate supervision of paraprofessional staff, in the suggested EB model both sets personnel (special educators and paraprofessionals) are substantially decreased. Whereas in the proposed resource reallocation models based on Vermont-only data (Giangreco & Suter, 2015), funds from reduced paraprofessionals numbers are reallocated to hire additional special educators and/or other personnel that can support an MTSS model (e.g., literacy and numeracy specialists). The proposed personnel numbers presented in the report represent such a substantial shift in

services that would make it harder for schools to do an already challenging task; I would not be surprised if such proposals were of great concern to school administrators, teachers, special educators, and parents who have children with disabilities.

The report also seems to imply a distinction between personnel who provide special education services to the 10% of students with "mild/moderate disabilities" versus the projected 2% with more "severe and profound disabilities". It is unclear whether the report is suggesting this distinction just for funding purposes or whether they are proposing it in practice as well. If the later, I feel this is a questionable recommendation that is lacking in both research and conceptual support. If I am misinterpreting the report's intention or meaning, then the language of the report may need clarification.

c. Consider alternatives to overreliance on paraprofessionals and proactive models of service delivery.

It is vital to not misconstrue the overuse or misuse of paraprofessionals as a negative commentary on the many dedicated, hardworking, and capable individuals serving our schools as paraprofessionals. Vermonters are well aware of the many contributions these individuals make in our schools. That said, too often they have been inappropriately assigned or expected to function in roles for which they are not always prepared, certified/licensed, and/or compensated. Paraprofessionals did not create these problems and merely reducing their numbers and/or providing them with better training and supervision (while desirable) will not solve our schools' service delivery problems.

Better alternatives need to be considered. For example, proactive service delivery models that reallocate existing resources in cost-neutral or cost-saving ways can be considered in local communities. I am attaching a recent article, based exclusively on data from 69 Vermont schools, which offers detailed data and examples about potential resource reallocation (shifting resources from paraprofessionals to hiring special education teachers) and offers proactive exemplar models of inclusive special education service delivery (Giangreco & Suter, 2015). I also am attaching an earlier article which describes an in depth case study of one Vermont school which documented reallocated services which led to improved student outcomes while saving \$169,000 annually (Giangreco, Smith, & Pinckney, 2006; see p. 223 for cost data supplied based on an analysis of the supervisor union's business manager). While this may seem like a relatively small amount compared to the overall statewide expenditures for special education, if even more modest savings were realized across all schools it would be substantial. For example, if using the approaches described in these articles saved, on average, \$125,000 annually (while retaining or improving educational quality), the combined local and state savings for 250 schools would total over \$31M.

d. Use of personnel also reflects educational equity issues for students with disabilities.

The inappropriate utilization of paraprofessionals also represents a fundamental equity concern for students with disabilities -- these students deserve the same access to

licensed and highly qualified educators as their counterparts without disability labels. It is not equitable if most students, those without disabilities or those with mild disabilities, receive all or most of their instruction from highly qualified teachers while a subset of students with more intensive special education needs receive much of their instruction from paraprofessionals (many of whom remain under-qualified and under-supervised).

e. Models of service are more than personnel ratios, but logical deployment.

While I agree that approaches like MTSS (Multi-Tiered Systems of Support) are desirable, in part because they are based on evidence-based approaches to instruction and focus on prevention, the research has little to say about appropriate personnel staffing patterns to successfully implement an MTSS approach.

If successful, MTSS should presumably result in fewer students being identified as "disabled" and eligible for special education. Such students are typically those in high-incidence categories (e.g., specific learning disabilities); whereas as students with more intensive special educational needs (e.g., intellectual disabilities, multiple disabilities) are more likely to remain eligible for special education, even under an MTSS model. Although if applied broadly to the full population of students, an MTSS approach offers opportunities for improved educational quality and outcomes for these students with more intensive needs.

It is important to recognize that our current funding system incentives labeling students as disabled in order to gain access to some reimbursable special education expenditures and financially punishes schools for positive preventive efforts because their positive efforts to keep students out of the special education system. It is important to recognize that if MTSS results in some students who either were, or could have been, eligible for special education not being eligible for special education the school still has the same students with the basically the same needs. So the notion that simply labeling fewer students as disabled results in less real needs is questionable. The reduction in special education personnel would shift more responsibilities on to general education classroom teachers. In the models we have proposed based on our analysis of a subset of Vermont schools (Giangreco & Suter, 2015) a key point of emphasis is keeping school resources predictable and stable based on their total enrollment so that resources don't ebb and flow based on the number of students identified as disabled. Again, it can't be overstated, that if fewer students get labeled as eligible for special education, those students still have the same nonstandard needs (e.g., mental health, trauma, adverse family circumstance) that may require unique attention. Schools should not lose personnel and/or financial resources because they do a good job preventing special education placement.

f. Related services require attention that is not adequately addressed in the report.

There is no doubt that Vermont (and likely every State) has much work to do to ensure the appropriate provision of related services (e.g., physical therapy, occupational therapy, speech-language pathology). That said, if trying to determine appropriate personnel ratios for special education is challenging, doing so for related services

provision is even more complex. In the report, I do not see any sound conceptual basis for the suggested related services ratios (Report, p. 91). I think the first line of action to ensuring appropriate related services, which I believe would fit hand-in-hand with at least more efficient and defensible use of public funds (and possibly cost savings) is to revisit the work the Vermont Agency of Education sponsored 15 years ago that included guidelines for ensuring that related services meet the standards for both educational relevance and necessity (rather than being parallel services, that are sometimes questionably connected to students' educational needs).

g. Students with "severe and profound" should have equal consideration and access to highly qualified general education teachers and typical environments.

The section on students with "Severe and Profound Disabilities" (Report, p. 91) does not offer any of the personnel availability issues offered in the earlier section on students with "mild and moderate disabilities". The authors of the report suggest that, "it would be important for the state to develop rules and regulations to identify these students and programs" (those with "severe and profound" disabilities). While it can be helpful to understand that a relatively smaller subset of students have more intensive needs, the language suggested in the report to "identify these students and programs" seems inconsistent with the contemporary practice and current initiatives (e.g., Vermont's work with the federally-funded SWIFT Center).

I agree with the report (p. 90) that students with disabilities need instruction from skilled teachers and special educators, rather than by less skilled paraprofessionals. My only caveat to this is that the need for students with disabilities to access instruction from highly qualified teachers with curricular content expertise is not limited to those with what the report refers to as those with "mild and moderate disabilities". Access to highly skilled general education teachers is valuable for students with the full range of students, including those the report refers to as having "severe and profound disabilities".

Classroom teachers can't do this alone. This requires models of service delivery that shift away from pull-out/remedial/fix-it models of special education to models where special educators support classroom teachers, are present in general education classrooms, and build capacity of teachers for times special educators are in other classrooms. This necessitates narrowing the range of teachers and classrooms within which special educators work as detailed in the exemplar models we have developed based on average Vermont personnel resources (Giangreco & Suter, 2015). The higher caseloads proposed by the report's recommendations would perpetuate pull-out special education services and reduce opportunities for the needed collaboration between general and special education personnel. In essence, the actual personnel numbers proposed by the report are in direct conflict with the positive practice (e.g., MTSS) aspects proposed by the report -- I find it conceptually and internally inconsistent. The report's personnel ratios would undoubtedly cost less, but I believe would have a profound and negative impact on Vermont school's; not just special education services, but all of Vermont K-12 education because someone will need to

pick up the slack of the reduced special education supports -- that will be classroom teachers.

h. The potential for unintended consequences suggests the need for ongoing evaluation.

Even the best-intended efforts to change funding and practices are typically accompanied by unintended consequences. I recommend that any legislation put forward include an evaluation component to follow the progress of the legislation to see if it is achieving its aims, its impact on schools and students, and especially to identifying any unintended consequences that may need to be addressed in subsequent legislation.

i. Potential actions in earlier testimony.

In my testimony to the House Education Committee on January 19, 2015 (attached) I offered a series of recommended potential actions. I believe they are all still relevant and ask that they be reconsidered in your deliberations.

References

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Giangreco, M. F., Smith, C. S., & Pinckney, E. (2006). Addressing the paraprofessional dilemma in an inclusive school: A program description. *Research and Practice for Persons with Severe Disabilities, 31*, 215-229.

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