

More than 6 years ago, I sat in the William Tennett High School auditorium in Bucks county with my kids, then Governor Corbett, and many of you who are here today. We were celebrating the passage and signing of the Special Education Funding Reform.

So, it's very frustrating and disappointing for me to have to ask the committee for the same things we have been asking for, for over a decade.

My name is Lisa Lightner and I am (still) an award-winning Special Education Advocate who lives with her family in Avondale, Chester county. I consult with and guide families whose kids are struggling in school, with or without IEPs, and I help parents learn the IEP process. For three years I chaired the Chester County Right to Education task force, and I have previously served as a BSE compliance monitor. I have served as a Director on numerous boards for disability and education related organizations and am currently serving on the Devereux Advanced Behavioral Health Family Advisory Board.

As the committee is aware, both public schools and charter schools are bound to IDEA and PA special education regulations.

It doesn't make sense to hold both groups accountable to these laws, but only one must follow the funding formula that was drawn up by the commission. Not only do charter schools not have to follow the funding formula for special education, the commission was legally prohibited from even discussing application of the new formula to charter schools.

I can tell you both with data and anecdotes, funding is everything when it comes to special education. Pennsylvania's Special Education costs have risen almost 30% in recent years, while state funding has increased a mere 4%. In 2008, the state picked up about 32% of the cost of a special education student. Eleven years later, the state's share is 23%. (citation: WHY)

I'd like to speak to some of the personal factors that families struggle with in dealing with IEP issues. Our kids are not welcome anywhere but the public schools. Yes, the laws say they are welcome in charters, and I'll get to that in a moment. But due to the expenses associated with our kids, and the lack of funds available, IEP parents often have quite unfriendly relationships with their neighborhood schools.

Parents recognize needs in their kids and ask the schools for help. Then they are repeatedly either lied to that their child does not need such services, or they are stonewalled and told no repeatedly until they either back down, homeschool or try to get into a charter. So, the families who need to rely on public schools the most, often have the most contentious relationships with their districts.

Which brings me to Special Education and Charter schools. It would make sense that a parent who is unhappy with her child's education in her neighborhood school (as IEP parents often are), that they would be seeking the opportunities promised by Charter schools on PDE's own website, such as improved pupil learning and increased learning opportunities.

Statistically, we know that isn't happening. Statewide, the TPSs are still educating 92-93% of children with IEPs. If charter school students are making up 10-12% of the student population in Pennsylvania, then their percentage of disabled students should be proportionate to that.

Charter school personnel either play by their own set of rules or are terribly uninformed when it comes to their responsibility in providing special ed. I have met many parents who were outright told "We cannot meet your child's needs here; you need to go back to the district." Charter schools like Mastery, who actually do provide a significant amount of Special Education, are not the norm.

Unfortunately for parents, they are the police officers when it comes to IDEA and parents are the only measure of whether an IEP is satisfactory. If a parent does not file due process, which is expensive and time consuming, it is assumed that the IEP and IEP compliance is adequate. I can tell you with 100% certainty that is not true. Just because a parent has not filed for due process does not mean that they are satisfied with their IEP.

Many times, a charter will advertise that they welcome IEP students. But again, data and parents tell a different story. Charter schools in PA have a very disproportionately high rate of Tier 1 students as compared to the TPSs. And why not? They're receiving full funding since they don't have to follow the formula.

However, once a child starts to trend toward needing more supports and services, the climate at the charter school often changes. If they aren't outright told to return to their district, they are "invited" to return in not so subtle ways. Teachers and administrators will start to be not just unfriendly, but downright hostile toward the student, their siblings and parents. At best, children are excluded from activities, at worst they are repeatedly suspended and even expelled for even the most minor of behaviors.

In other words, they will be bullied into returning to their home district.

The data is clear. Not only do some charters have an IEP student rate of 3-4% when our state average is above 15%, but they have a disproportionately high rate of Tier 1 students. Students from Tier 3a and 3b are all but non-existent in the charter school world. The two most common IEP qualifying disabilities in Charter Schools are SLD and SLI, making up almost 60% of the IEP population in charter schools. These are also the categories with the lowest per pupil expenditures.

Not only does that charter receive more money than what the State's Commission thought was an appropriate amount, it puts an undue burden on the TPS because they have such a high percentage of Tier 2 and 3 students.

When such a limited pool of resources is available to Pennsylvania's most vulnerable population, disabled children, I struggle to understand why legislators give some of the funds to those who don't need them. Furthermore, charter schools do not have to tell us what they do with the money, not even the excess money!

A PASBO study revealed that statewide, Charter schools received \$356 million to provide special education, but only spent \$150 million educating students with IEPs. Where did that \$200 million go? Why are charters allowed to spend millions on advertising when so many disabled children are not having their needs met?

Why is it accepted and even encouraged by some members of the PA legislature, that charters will receive this money and while so many children and families are struggling?

This is just one small area of charter reform that needs to be addressed. The Charter schools should adhere to the funding formula just like the public schools. There also needs to be more accountability to the funding they receive.

Chapter 14 revisions should also include holding Charters accountable to the same physical plant regulations that TPSs are held to. In many cases, the lack of facility changes and upgrades leads to children with disabilities being excluded from that school. Why are TPSs held accountable to over 38 pages of building regulations in Chapter 14, and charters get 1 paragraph?

Lottery admission protocols need to be transparent. Maybe it's bad luck or a large, statewide coincidence, but disabled children who are in Tier 2 and above rarely win when it comes to Charter lottery admissions.

When a student returns to their home district from a charter school, many times they require months and even years of remediation. There needs to be some type of reimbursement system set up, so that the public schools do not have to spend their already limited funds to remediate a former charter student. It's not fair that the TPS loses money once when the child is at the charter, and then again when they return because of the remediation costs.

After all, we were promised a lot by charters, and two decades later, they have failed to deliver. Governor Ridge has been quoted as saying that Charters are "an option to provide....a better education....and a better education environment for their child."

Apparently, Governor Ridge and I have different definitions of the word "better." Because in almost all achievement measures, Charters are barely holding their own statistically with the neighborhood publics and in many cases, totally missing the mark. We were promised that the charters were going to be "incubators of innovation" and instead I'm seeing things like children being given speech evaluations over the phone and physical therapy exercises done over Skype.

I want to wrap up by saying, my criticism of charters and how they handle special education and their funding in no way should be construed that I think our public schools are excelling at this task. They are not. But that's another hearing for another day.

The Special Education Funding Formula is a start, but it's been a painfully slow start. Overall, we need to not just follow the formula, there needs to be more funding in that funding stream. However, we can begin to allocate funds to the kids who need them most by gathering up what is

falling through giant loopholes. It was a tremendous opportunity missed back when the formula was implemented, but that doesn't mean that we cannot start doing the right thing going forward.

Charter schools are not taking in their fair share of IEP students, and certainly not their fair share of students beyond Tier 1. If they are not willing to open their doors to and educate all of Pennsylvania's children, then they should not be funded as if they are.

Sources: <https://why.org/articles/skyrocketing-special-education-costs-falling-heavily-on-pa-school-districts-taxpayers/>

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<https://www.elc-pa.org/resource/elc-analysis-students-with-disabilities-in-charter-schools/>

<https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/CharterSchools.aspx>

