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Testimony of Sherri Landis, Executive Director  
The Arc of Pennsylvania  
Senate Education Committee  
April 19, 2021

Thank you for the opportunity to provide testimony regarding educational reforms for the State of Pennsylvania. My testimony today will focus on the needs of students with intellectual and developmental disabilities (IDD) who receive the Commonwealth's Special Education services.

My name is Sherri Landis, and I am the Executive Director of The Arc of Pennsylvania, which is a part of The Arc US. The Arc of Pennsylvania is the state's leading advocacy organization promoting the human rights of Individuals with Intellectual and Developmental Disabilities. For the past 71 years, The Arc of Pennsylvania, our local chapters, and 12,000+ members, have worked to ensure that children and adults with intellectual and developmental disabilities receive the support and services they need, are included in their community, and have control over their own lives.

Accessing an inclusive and equitable education for students with IDD has been a lead initiative for The Arc of Pennsylvania. In 1971, The Arc of Pennsylvania was a plaintiff in the seminal lawsuit Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, the first right-to-education lawsuit in the country. This lawsuit overturned Pennsylvania law at the time, to secure a quality education for all children. The case quickly settled before the U.S. District Court for the Eastern District of Pa., resulting in a consent decree in which the state agreed to provide a free public education for children with intellectual disabilities. That decree and many of the procedural protections in it became the basis for the federal law, Education for All Handicapped Children Act (PL 94-142) enacted in 1975. This agreement led to the passage of Individuals with Disabilities Education Act (IDEA) and the implementation of Special Education services in Pennsylvania.

Since 2010, we have partnered with the Pennsylvania Department of Education's Bureau of Special Education to offer the Include Me Initiative. Include Me's increases inclusive practices and build capacity in school districts across Pennsylvania. It provides intensive and individualized mentoring to regular education teachers in 35 school districts across the Commonwealth.

For schools and school districts to ensure that students with IDD receive the fullest educational supports and services possible, The Arc of Pennsylvania makes the following recommendations for reforms:

The Arc of Pennsylvania is affiliated with The Arc of the United States and 33 local chapters of The Arc across PA.



1. **Allow students with disabilities who are aging out of educational supports and services in June 2021, to receive an additional year of school.** The final years of school are integral for accessing and utilizing transitional services into adulthood. These transition services enable students with disabilities the opportunity to gain independence through the learning of everyday tasks and access to skills and connections for securing and maintaining community integrated employment. Throughout COVID-19, transition services have been nearly non-existent for these students due to social distancing restrictions and lack of staff. There are approximately 1,600 students with disabilities in Pennsylvania who are aging out of school services at the end of the 2020-2021 school year. Allowing these students and families the option to access an additional year, will strengthen their transition to adulthood, more likely to result in employment and less dependence on social service programs.
2. **Ensure that students with disabilities continue to receive instruction with their non-disabled classmates.** The opportunity for students with disabilities to access inclusive education is imperative for their future. Studies have shown that students with disabilities and their non-disabled peers both benefit when classrooms are inclusive. While families recognize that schools must take every precaution necessary to ensure the health and safety of all students, health and safety precautions should not restrict students with disabilities from interacting with non-disabled students or receiving an inclusive education. Even remote learning offers opportunities for students to participate in small groups with their school age peers and social gatherings that are managed remotely.
3. **Support Governor Wolf's proposal to increase Special Education funding by \$200 million.** Governor Wolf's budget proposal for a \$200 million investment in Special Education is essential to support students with intellectual and developmental disabilities receiving these essential supports and services. When the State passed the interim budget in June 2020, special education received flat-funding for the full year; however, many students with disabilities continue to face educational regression and loss of supports and services due to COVID-19. The majority of costs associated with Special education are mandatory, recurring costs. This means that many of the dollars coming into Pennsylvania's education system from the recently passed American Rescue plan cannot be used to fund special education supports and services. Pennsylvania must invest in Special Education to address the loss of education during COVID-19, giving students with IDD the opportunity to receive a free and appropriate education (FAPE) guaranteed by federal law. An increase in funding for Special Education will not only alleviate rising costs but provide better inclusive outcomes for students with intellectual and developmental disabilities.
4. **Apply the Special Education Funding Formula to Charter Schools.** One of the largest line-item for school districts is the funding special education. The Commonwealth's adoption of the Special Education Funding Formula (SEF) was done through the work of the Special Education Funding Commission to address the growing disparities in funding for special education costs faced by school districts. The SEF implemented a tiered funding system for each individual student with IDD that based funding on the student's level of need – the greater the supports and services needed to receive FAPE, the higher level of funding the school district received for that student. The Arc of Pennsylvania sees the difficult decisions being made every day in school districts across the Commonwealth due to budgetary restrictions. We must support school districts to fund special education services and ensuring equity. The Arc of Pennsylvania recommends that the Special Education Funding Formula be applied to Charter Schools. Charter Schools receive funding for special education based of the median percentage of students with intellectual and developmental disabilities in that specific school district. This enables Charter Schools to serve a special education student, who would qualify for Tier 1 funding under the SEF but receive funding as if the student is a Tier 2. For the Commonwealth to not equitably apply the SEF across both public schools and charter schools,

leads to high inequity of funding for special education to the benefit of one entity over another in a time where funding is essential.

**5. Continue the use Solutions Found during COVID-19 in Long-Term Plans.**

The outbreak of COVID-19 and the subsequent move to online instruction in March of 2020 saw a massive shift in our education system. While all students saw massive change, students receiving special education services were the most severely impacted. The need to adapt to virtual learning and supports led to the formation of new and innovative ways for students to access supports and services; while there were significant struggles with virtual formats and online learning for students with IDD, educators implemented solutions that can be continued when students are back to in-person instruction. The Arc of Pennsylvania supports efforts by educators and policymakers to expand these innovative solutions which were implemented during COVID-19 into sustainable long-term programs.