



May 7, 2010

The Honorable Tom Harkin, Chairman  
The Honorable Mike Enzi, Ranking Member  
Health Education Labor Pensions Committee  
U.S Senate  
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the undersigned organizations who are members of the National Coalition on Personnel Shortages in Special Education and Related Services (NCPSSERS), we are pleased to provide you with key recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA). Our recommendations focus on how ESEA can better support recruitment and retention of special education and related services personnel.

Over the last decade, research conducted by the American Association for Employment in Education has concluded that there is, and has been, a significant shortage of special education teachers and specialized instructional support personnel who directly contribute to the academic success of America's 7.1 million students with disabilities, in addition to providing services and supports to children without disabilities. Such shortages result in caseloads/workloads that are inconsistent with recommended practices and jeopardize the timely delivery of high-quality services and supports, especially a concern in times of record state budget deficits.

Addressing personnel shortages in special education and related services requires a multi-pronged approach; collaboration within and among the federal, state, local education agencies; changes to Federal laws to promote, enhance, and encourage individuals to become special educators and specialized instructional support personnel and to retain professionals over the long term. Significant steps have been taken to address this issue within the Individuals with Disabilities Education Act, and most recently in the student loan forgiveness programs within the Higher Education Opportunity Act (HEOA). However, there is also an opportunity to reinforce and enhance these existing efforts in the reauthorization of the Elementary and Secondary Education Act (ESEA).

With that in mind, the undersigned organizations are pleased to provide the attached recommendations for ESEA reauthorization.

American Association of Colleges for Teacher Education (AACTE)  
American Counseling Association (ACA)  
American Federation of Teachers (AFT)  
American Music Therapy Association (AMTA)  
American Occupational Therapy Association (AOTA)  
American Physical Therapy Association (APTA)

American School Counselor Association (ASCA)  
American Speech-Language-Hearing Association (ASHA)  
Council for Exceptional Children (CEC)  
Council of Administrators of Special Education (CASE)  
Fairfax County Public Schools (FCPS)  
Georgetown University Graduate School of Education (GWU)  
George Washington University Graduate School of Education (GWU)  
Higher Education Consortium for Special Education (HECSE)  
Montgomery County Public Schools (MCPS)  
Montgomery County Public Schools Board of Education (MCPS BD of ED)  
National Association of School Nurses (NASN)  
National Association of School Psychologists (NASP)  
National School Boards Association (NSBA)  
Prince Georges County Public Schools (PGCPS)  
Progressus Therapy, LLC  
School Social Work Association of America (SSWAA)

*About the National Coalition on Personnel Shortages in Special Education and Related Services*

The mission of the NCPSSERS is to sustain a discussion among all stakeholders on the need for and value of special education, related services, and early intervention; and to identify, disseminate, and support implementation of national, state, and local strategies to remedy personnel shortages and persistent vacancies for the benefit of all children and youth.

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## Strengthening ESEA to Address Diverse Learners and Professionals Who Work on Their Behalf

**ISSUE:** Over the last decade, research conducted by the American Association for Employment in Education has concluded that there is, and has been, a significant shortage of special education teachers and specialized instructional support personnel who directly contribute to the academic success of America’s 7.1 million students with disabilities, in addition to providing services and supports to children without disabilities.

Personnel shortages in special education and related services exist due to two primary conditions: 1) a shortage of professionals to fill available positions (supply and demand); and 2) a shortage of funding for positions to meet the growing demand for services. Additionally, high attrition rates – often attributed to poor mentoring and induction programs, lack of support from school leadership and difficult working conditions – contribute directly to shortages in special education. Such shortages result in caseloads/workloads that are inconsistent with recommended practices and jeopardize the timely delivery of high-quality services and supports, especially a concern in times of record state budget deficits.

**SOLUTION:** Addressing personnel shortages in special education and related services requires a multi-pronged approach; collaboration within and among the federal, state, local education agencies; changes to Federal laws to promote, enhance, and encourage individuals to become special educators and specialized instructional support personnel and to retain professionals over the long term. While there are many Federal laws which can and do address this issue – including the Individuals with Disabilities Education Act (IDEA) and Higher Education Opportunity Act (HEOA) – there is also an opportunity to reinforce and enhance existing efforts in the reauthorization of the Elementary and Secondary Education Act/No Child Left Behind (ESEA).

As the reauthorization of ESEA moves forward, the National Coalition on Shortages in Special Education and Related Services, a Coalition consisting of over thirty national, state, and local organizations working to remedy the critical issue of personnel shortages in special education and related services, urges Congress to consider the following package of recommendations.

### Recommendations for ESEA Reauthorization

#### ➤ General Recommendations

- **ESEA Should Rectify Conflicting Terminology, Definitions, and Roles of Pupil/Related Services Personnel by Renaming “Pupil Services” to “Specialized Instructional Support Services”, and Recognize that the List of Providers is Not Exhaustive.**

These personnel are known as "pupil services personnel" in the ESEA and as "related services personnel" in the IDEA, despite the fact that they are exactly the same

professionals. This difference in terminology continues to cause confusion for school districts. Establishing one common statutory term would ease this confusion and would more accurately reflect the nature and purpose of the services that these professionals provide to students in schools.

Furthermore, the U.S. Department of Education consistently has interpreted, through the IDEA regulations, that the list of "related services personnel" is not exhaustive. Since the IDEA definition is incorporated by reference into the ESEA definition of "Pupil Services," this interpretation also should be incorporated explicitly into the ESEA. Specifically, if students require the services of other therapists or service providers to assist them to be successful in school, school districts, within reason, must provide those services.

- **All ESEA Programs Addressing Personnel Shortages, Recruitment, and Retention Must Include Specialized Instructional Support Personnel (SISP), in Addition to Teachers and Principals.**

Currently, there is a shortage of many fully licensed and certified SISPs in schools. These professionals provide services that address barriers to learning and assist students to be successful in school. These vital services are focused on prevention and intervention activities that promote effective classroom teaching and learning. These professionals work collaboratively with teachers, administrators, and other school staff to ensure that students receive high quality instruction that is responsive to the diverse array of students' learning and developmental needs and challenges. Therefore, any program included within ESEA addressing personnel shortages, recruitment, and retention should include SISPs.

- **ESEA and IDEA Programs Addressing Professional Development, Recruitment and Retention Must Complement Each Other and Become Better Aligned.**

ESEA's Title II and IDEA's Part D – State Personnel Development Grants, address many of the same issues, such as addressing personnel shortages and supporting high quality systems of professional development, though the focus remains on general education and special education professionals, respectively. ESEA reauthorization presents an opportunity to reinforce collaboration between general and special education through themes such as:

- **Addressing Diverse Learners:** The importance of providing professional development for special education teachers, general education teachers, SISPs, and administrators which addresses diverse learners, and aligning such professional development to ongoing activities provided by IDEA.
  - Professional Development Examples Include:
    - ❖ Informing successful teaching practices and model curricula for the education of students with disabilities.

- ❖ Aligning instructional strategies for diverse learners to common core standards.
  - ❖ Encouraging collaborative and consultative model of providing early intervening services, special education, and specialized instructional personnel services.
  - ❖ Integrating technology into curricula and instruction to drive academic improvement and facilitate in making data driven decisions.
  - ❖ Training in positive behavioral interventions and supports, universal design for learning, and response to intervention.
  - ❖ Planning, developing, and implementing effective and appropriate IEPs and IEP meetings to ensure effective and appropriate participation by all team members, including general educators.
  - ❖ Strategies for special/general educators and specialized instructional support personnel to support students with disabilities in accessing the general education curriculum.
  - ❖ Training to assist administrators in supervising, supporting, and strengthening the collaboration between general/special education teachers and specialized instructional support personnel.
  - ❖ Training in functional or non-traditional assessment strategies to determine appropriate services for special education teachers and SISPs.
  - ❖ Training in effective and appropriate workload management strategies.
  - ❖ Training in appropriate use and supervision of support personnel.
  - ❖ Training in effective service delivery models.
- **Mentoring/Induction Programs and Strategies that Support Special/General Education Collaboration:** Mentoring/induction programs and strategies should mirror the collaborative model between special and general education that is desired in the classroom. Additionally, such programs should have a focus on individuals new to the field, but should also provide opportunities for seasoned educators and SISPs to participate. To that end, key elements of mentoring/induction programs should include:
- ❖ Mentoring teams – which include special and general education teachers, specialized instructional support personnel, and administrators -- to support and reinforce collaborative strategies for addressing the needs of diverse learners.
  - ❖ Developing mentoring/induction programs in consultation with school personnel, including special educators and specialized instructional support personnel, to establish programs that reinforce collaborative efforts between general and special education.
  - ❖ Pairing mentors with mentees who work with similar student populations. (For example: a special educator who works with students

- who have low incidence disabilities would benefit from a mentor who has had similar professional experiences)
- ❖ Support for creative initiatives which may utilize technology or other methods to reinforce the mentor/mentee relationship. Professionals employed in shortage areas (both geographic and content related) may have to use non-traditional methods to identify and build a successful mentor/mentee relationship.
  - ❖ Programs for new professionals and seasoned educators which are differentiated to address their needs and allow for implementation of various strategies such as coaching programs.
- **Repurpose Existing IDEA/ESEA Data Initiatives to Develop a Comprehensive Needs Assessment Data System to Centralize Data Regarding Personnel Shortages and Working Conditions**
    - ❖ Revise the current ESEA Title II ‘needs assessment’ requirement of local education agencies (sec. 2122(c)) to address issues beyond professional development and hiring to include:
      - Alignment with relevant IDEA data collected on personnel serving children and youth ages birth through 21.
      - Alignment with relevant ESEA data collected in Title II.
      - Alignment with relevant data collected by the Office of Safe and Drug Free Schools - School Climate Metrics.
    - ❖ Data findings should be used to develop an action plan detailing initiatives to address personnel shortages, including an analysis of school climate factors, recruitment, retention, and induction/mentoring strategies.
    - ❖ Data collection and analysis should include the impact on SISPs.
  - **Differential Pay Systems Must Not Be Viewed as the Sole Remedy to Address Shortages, Recruitment, and Retention**
    - ❖ Teachers, administrators, and specialized instructional support personnel deserve to be compensated at a rate that recognizes their value, contribution, and impact on the academic, social, and developmental success of students who are our nation’s future leaders.
    - ❖ Differential pay systems – which seek to ‘reward’ effective teachers and principals -- cannot be viewed as the sole remedy to solving shortages in teacher and specialized instructional support personnel fields. Research has demonstrated<sup>1</sup> that the leading causes in shortages in special education are working conditions and lack of supportive leadership.

<sup>1</sup> *Primary Sources: America’s Teachers on America’s Schools* (2010) Bill and Melinda Gates Foundation, Scholastic, Inc. [http://www.scholastic.com/primarysources/pdfs/Scholastic\\_Gates\\_0310.pdf](http://www.scholastic.com/primarysources/pdfs/Scholastic_Gates_0310.pdf) (Retrieved March 19, 2010)

- ❖ If differential pay systems are to be included in ESEA reauthorization, they must at a minimum include SISPs, in addition to teachers and principals.
  
- **Alternate Route to Certification Programs Should be Rigorous and Held to High Standards**
  - ❖ Alternate route to certification programs must include high quality pre-service training; sustained, intensive, and classroom-focused professional development; and intensive supervision that consists of structured guidance and regular ongoing support for teachers and/or SISPs.
  - ❖ Alternate route to certification programs must be of high rigor – comparable to that of traditional route programs – and lead to full certification as prescribed by the state.
  - ❖ Individuals participating in alternate route to certification programs should not be deemed highly qualified before demonstrating mastery of content and pedagogical methodologies.

## **ESEA Should Include Legislative Language from the Following Bills Which Address Shortages of Specialized Instructional Support Personnel/Services**

- **Positive Behavior for Safe and Effective Schools Act (H.R. 2597)** amends the Department of Education Organization Act to establish, within the Department of Education, an Office of Specialized Instructional Support Services to oversee, implement, and ensure adequate evaluation of, the provision of specialized instructional support services in schools by school counselors, social workers, psychologists, and other qualified professionals.

Additionally, this legislation would allow states to allocate school improvement funds under Title I of the ESEA for coordinated, early intervening services for all students, such as school-wide positive behavior supports.

- **Reducing Barriers to Learning Act (H.R. 3800)** amends the Department of Education Organization Act to create an Office of Specialized Instructional Support Services within the Department of Education to improve specialized instructional support services in schools. Additionally, the legislation provides competitive matching grants to states to (1) establish or expand specialized instructional support services and programs at the state level that are designed to provide technical assistance, coordination, and support to specialized instructional support services and programs addressing barriers to learning within local educational agencies and individual schools; and (2) hire and support specialized instructional support services coordinators to provide such assistance, coordination, and support.

H.R. 3800 replaces references to pupil services and pupil services personnel with references to specialized instructional support services and specialized instructional support personnel and defines such services as those provided by school counselors, social workers, psychologists, and other qualified professionals that provide assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs.

- **The Student-to-School Nurse Ratio Improvement Act of 2009 (H.R. 2730/S.2750)** would directly address the current shortages of school nurse positions by creating a pilot grant program allowing federal assistance for states most in need of improving their student-to-school nurse ratio. School nurses contribute directly to the academic success of students by providing health care services that remove barriers to learning. All students have the right for their health needs to be safely met while in the school setting. Although students today have greater medical needs than in past generations, caseload assignments for nurses vary greatly throughout the U.S. and within states. Far too often, due to fiscal constraints, school nurses are forced to serve multiple schools. Including this legislation in ESEA will work towards ensuring that schools are staffed with nurses who will be able to address the health needs of all students.
- **Increased Student Achievement Through Increased Student Support Act (H.R. 1361)** directs the Secretary of Education to award competitive, renewable, five-year grants to partnerships between low-income local educational agencies (LEAs) and schools offering graduate programs

in school counseling, social work, or psychology to increase the number of program graduates employed by low-income LEAs.

This legislation allows the use of grant funds to: (1) provide program graduate students with field training at partnership LEA schools; (2) contribute to program graduates' salaries at such schools for up to three years after they graduate; (3) increase the number of school counselors, social workers, and psychologists per student, and from underrepresented backgrounds, in such schools; (4) enhance the capacity of partnership graduate schools to train such professionals; (5) develop course work designed to facilitate such graduates' service to low-income LEAs and at-risk students; and (6) provide tuition credits to such graduate students and student loan forgiveness to program graduates employed as school counselors, social workers, or psychologists by low-income LEAs for at least five consecutive years.

H.R. 1361 directs the Secretary to establish a program providing student loan forgiveness to non-participants in this Act's grant program who have been employed for at least five consecutive years as school counselors, social workers, or psychologists by low-income LEAs. This bill requires the Secretary to identify a formula for future use in designating regions as eligible for benefit programs because of having a shortage of such school personnel.

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