



Education Law Center

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### **Education Law Center Recommendations for Pennsylvania Investment of Education Funding in the American Recovery and Reinvestment Act**

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*[Earlier in March, ELC sent the recommendations in this document to Governor Rendell and Secretary Zahorchak. On March 11, the Department of Education released initial guidelines to school districts about the levels and uses of stimulus funding. Many aspects of the guidelines align with ELC's recommendations. Most importantly, the Department proposes to distribute much of the funding through the basic education formula and accountability system adopted by the General Assembly in 2008. The new formula and accountability system have proven during the current school year to be highly effective ways of investing resources in the students and schools most in need.]*

*The recommendations in this document for making sound education investments may continue to provide parents, community leaders, and policy makers with good ideas as additional stimulus decisions are made by the state and by local school districts in upcoming weeks and months.]*

The following analysis of the American Recovery and Reinvestment Act (ARRA) includes ELC's suggestions for how the Commonwealth can most effectively invest this funding for public education. This is not an all-inclusive assessment. Instead, we point out some specific issues that seem important to us and may not be emphasized by others. Our comments focus on education investments that can be made over the next two years and will result in long-term benefits.

Below are (1) several broad, governing strategies for structuring the state's application for and utilization of all ARRA resources, and (2) specific recommendations for targeting ARRA education investments.

### Governing Strategies for ARRA Education Funding

First, the process for seeking, appropriating, and distributing ARRA resources in Pennsylvania should be transparent and open to public review and parent/community input at every point. Many decisions and priorities will be formed at the local level. The state should require school districts to engage students, parents, and community leaders in developing and monitoring plans for investment of ARRA funds. Similar transparency and

Making sure that all of Pennsylvania's children have access to quality public schools.

involvement should occur at the state level, especially regarding the choices and discretionary decisions made about the Fiscal Stabilization Fund. The Stabilization Fund is the largest source of education funding and has the fewest strings attached, making it most important for the state itself to openly share information about the decisions made regarding the selection of Stabilization options, the allocation of funds to various programs, the formulas utilized for distributing the funding to districts, the uses of funding approved for districts, and the accountability mechanisms for these investments.

An important way to accomplish many of these objectives would be for the state to drive ARRA funding – especially from the Stabilization Fund – through the state distribution formula and accountability system adopted for basic education by the General Assembly in 2008. The new formula has worked to distribute resources to the school districts and students who are most in need. And the system for Accountability to Commonwealth Taxpayers (PA-PACT) is working to ensure that new state funding is being effectively invested. To make these funding and accountability systems complete, the state needs to adopt similar provisions for special education, which was left out of the basic education reforms in 2008.

Second, all ARRA funding for public education in Pennsylvania should be targeted to address the most disadvantaged students and schools with the largest achievement gaps. This means that some school districts would receive much more ARRA funding per student than others, and that some districts with small achievement gaps could receive very little. The ARRA funding for education is intended by statute to impact those students and schools most in need, not to "spread the wealth" to everyone equally.

Third, accountability for effective investment of ARRA resources by local education agencies should be a top priority. The PA-PACT Plans utilized as part of the Pennsylvania basic education funding reforms for 2008-09 provide a good starting point for accountability over all ARRA funds. The PA-PACT process should be enhanced to require public input and monitoring. In addition, the state should strengthen its oversight of and technical assistance for the mandatory accountability and planning mechanisms of Title I (NCLB), IDEA, and other federal programs for which districts will receive ARRA funding. The state should utilize the accountability set-aside provisions of ARRA to increase its oversight capacity.

Fourth, Pennsylvania should immediately establish clear standards pursuant to ARRA for maintenance of fiscal effort by the state and by local education agencies. These rules are very complicated and could be subject to widespread misunderstanding by school districts. Errors in this area, such as local tax increases/cuts or shifts in local spending, could lead to public distrust and skepticism about the intentions of education officials.

Fifth, all ARRA education investments should facilitate accessibility, universal design<sup>1</sup>, and the inclusion of students and others with disabilities in the regular school environment. The state should ensure that ARRA funds are not invested by school districts in facilities, equipment, materials, or services that do not meet these criteria. Funding also should not be used in ways that perpetuate exclusion or sustain segregated school settings.

Sixth, all ARRA funding should include mandatory set-asides for supporting parent engagement, both locally and at the state level. Effective parent and community engagement is crucial for school success. But this engagement is costly and will not happen without setting aside a portion from each budgeted program as well as establishing state standards based on Title I parent engagement models. In addition, the state should invest

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<sup>1</sup> Universal design is an approach aimed at making products and environments useable by all people, to the greatest extent possible, without the need for adaptation or specialized design. While universal design benefits persons with disabilities in an inclusive and non-stigmatizing way, it also benefits those without disabilities.

funding in an accountability process for monitoring and publicly documenting local engagement practices.

Seventh, all ARRA funding should include mandatory set-asides for the establishment and improvement of training and professional development programs for school board members and school administrators, addressing issues of school reform, reducing achievement gaps, improving the quality of teaching and administration, and parent and community involvement in school governance.

### Specific Recommendations for Targeting ARRA Education Investments

#### FISCAL STABILIZATION FUNDING

*The following suggestions could also be funded from other ARRA sources.*

- Emphasis should be placed on investments that can occur within the next two years and result in long-term benefits, even if the funding does not continue at the same level. This is true for all ARRA funding but is especially important for the Stabilization Fund where the state and school districts have more discretion.
- A portion of the Stabilization Fund should be designated for special education, approximating the share of state education dollars allocated to the education of students with disabilities.
- A top priority should be the improvement of school facilities in disadvantaged communities. Facility improvements should facilitate the inclusion of students and others with disabilities in the regular environment. Other priorities should include renovations and repairs closely related to instructional services, such as libraries, science labs, and computer technology.
- Additional short term investments by school districts with long term benefits should include restructuring for smaller school settings, teacher coaching and training, curriculum development, and student interventions and supports.
- The state should invest in the development of a statewide longitudinal data system to track the educational status and progress of children and youth in foster care. The data should be collected and analyzed from early childhood through post-secondary education. Accessing and analyzing accurate data will enable educators and state officials to identify and address systemic problems, provide support for highly mobile youth, and target resources to critical services.
- The state should develop a comprehensive teacher support Web site containing model lesson and unit plans and internet resources connected to state academic standards, including a multicultural curriculum and diverse learner resources for all subjects and grade levels.

#### ESEA FUNDING

- Create more state and local capacity for developing and implementing quality school improvement and corrective action plans for both districts and local schools, with the goal of achieving major school reforms within the next two years. Strengthen the student, parent and community involvement aspects of plan development. Significant levels of funding from the Stabilization Fund and from other ESEA grants through ARRA should be used to supplement school reform efforts to create lasting change in these schools and districts.

- Build capacity statewide for hiring and certifying teachers and paraprofessionals in school districts and subject areas with distribution inequities and shortages. Create a state program at universities for individuals to become certified in these areas. Establish a teaching incentive program providing financial and other incentives for teachers committing to work for several years in hard to staff schools, such as those in rural areas or low performing schools.
- Significant resources should be invested in creating greater state and local capacity to address the needs of English language learners. Models of successful programs should be duplicated. The state should increase its capacity to provide information, consultation, and other assistance to districts.
- All schools, especially schools struggling with student conduct and achievement, should invest new funding in school-wide positive behavior support (PBS), a research-based approach to creating, teaching, and reinforcing students' social, emotional, and academic learning skills. Expanding PBS in Pennsylvania beyond the current 31 pilot project schools will improve student outcomes. Much of this investment involves training staff, thus establishing a self-sustaining program.
- Funding for school improvement should prioritize the services and supports needed to advance education outcomes for at-risk students, including children in poverty and children and youth in foster care. Short-term investments for these students will have lifetime benefits. Recommended services and supports include educational liaisons, credit recovery programs, and academic remediation.

#### IDEA AND REHABILITATION ACT FUNDING

- Require school districts to dedicate at least half of all new IDEA funding to supporting the successful inclusion of students eligible for special education in regular classrooms. These costs include training teachers and other staff in inclusion practices, co-teaching methods, curriculum modification, and use of assistive technology. We recommend giving grant priority to school districts implementing full-inclusion models using evidence-based practices.
- Require school districts to dedicate a portion of all new IDEA funding to the improvement of transition planning processes and services for students age 14 and older, in order to improve their success in secondary school and after graduation.
- Rehabilitation Act funding should be used to establish enduring service channels and improve coordination between local providers funded through the Act, such as the Office of Vocational Rehabilitation, and public schools. Schools often struggle to involve local providers in coordinating services for students with disabilities. Such coordination is especially important to high school students preparing for transition to adult life.
- Invest in the up-front costs of establishing a statewide surrogate parent program to serve children involved in special education processes. Pennsylvania should develop this program using models from other states. The state should form a network of volunteer surrogates to help children and youth without parents to get special education evaluations, services, and individualized programs. The state and school districts are responsible under current federal law for providing surrogates.

## MCKINNEY-VENTO FUNDING

- The state should distribute this funding through a competitive grant process and not through proportional allocations based solely on the number of homeless students identified in each school district. The most recent count of homeless students – from 2007-08 – does not accurately reflect real needs, because regional and local data are often inaccurate and the recent economic downturn has shifted homeless demographics. Using a competitive grant process would also provide for more effective accountability and allow the state to set better priorities for use of new funding.

If the state chooses to distribute funding based on homeless student counts, it should improve the accuracy of this data by using the most current poverty and unemployment indices to supplement the student counts.

- The state should condition local use of this funding on assurances that school districts will invest in training, outreach, expanded access to transportation, and increased data collection. These issues are critical to ensuring access to schools, educational stability, and progress for homeless students.
- McKinney-Vento funding under ARRA should strictly prohibit the use of McKinney-Vento funds to supplant Title I funds set aside by current law for services to homeless students.

## EARLY CHILDHOOD FUNDING

- With significant new funding for early care and education programs, including Head Start/Early Head Start, Child Care and Development Block Grants and early intervention (Part C) programs as well as several additional funding streams that benefit young children (Temporary Assistance for Needy Families (TANF), Medicaid, WIC, and the Supplemental Nutrition Assistance Program (SNAP), we urge you to use these dollars to focus on integrated and inclusive services and initiatives with proven effectiveness, including expanding the number of preschool children served, increasing financial assistance for professional development, particularly around child find, inclusion and data collection.
- Head Start/Early Head Start. The State should utilize the substantial increase in Head Start and Early Head Start funding to ensure that homeless children are prioritized for these programs in accordance with the 2007 Improving Head Start Act.

## OTHER ARRA RESOURCES

- State Incentive and Innovation Fund Grants. The state should aggressively seek these ARRA grants in coordination with school districts with more than one-third of their students attending schools failing to make adequate yearly progress.