

**Testimony of the Education Law Center
Hetal Dhagat, Staff Attorney
PA Senate Education Committee Hearing on K–12 Education Reforms in Western PA
April 23, 2021**

On behalf of the Education Law Center (ELC), thank you for inviting us to share testimony on K-12 education in Western Pennsylvania. ELC is a statewide non-profit legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Each year, we provide legal consultation and representation to hundreds of students, families, and community partners across the state, including Western Pennsylvania. Our community partners in Southwestern Pennsylvania include the Black Girls Equity Alliance, Education Justice Network for Immigrants and Refugees Stakeholder Group, Education Rights Network, and Pittsburgh Local Task Force on the Right to Education.

As community lawyers, we work collaboratively with students, parents, and community partners to advocate for education justice. ELC appreciates this opportunity to elevate community concerns regarding K-12 public education in Western Pennsylvania and to recommend actions to ensure that students who live and learn at the intersection of multiple identities have the affirming supports and structures necessary to thrive in school.

While the issues and inequities we share with you today have been barriers to education success for many decades, we recognize that the pandemic and remote learning have intensified the inequities that Black and Brown students, low-income students, students with disabilities, and immigrant and refugee students were already facing. Despite the commitment and creativity of educators during remote and hybrid learning, many students have struggled. As we transition to post-pandemic learning and beyond, ELC offers the following five recommendations to begin to address these concerns.

Prioritize mental health supports for students. Even before the effects of remote learning and social isolation were heightened by the pandemic, many students were in need of mental health supports that are both culturally responsive and trauma informed. This is particularly true for Black girls, whose need for mental health supports is often misinterpreted and met with over-disciplining, pushing them out of school and into the child welfare and juvenile legal systems. Schools require more counselors and other qualified mental health professionals with manageable caseloads who can serve the needs of diverse student populations. Social and emotional learning that is both developmentally appropriate and culturally responsive would also promote positive in-school relationships and normalize conversations around mental wellness.

Focus on supports to improve school attendance. We encourage the Committee to prioritize legislation and guidance that provides schools with the flexibility to use supportive interventions to address the causes of school attendance challenges and that discourages the use of truancy

referrals and fines. During the pandemic, we heard from many Western Pennsylvania families who faced truancy penalties because their children could not log on or watch a computer screen for an entire school day. Truancy fines and other penalties further harm families that are already struggling financially, ignore the underlying barriers to attendance, and fail to support positive relationships or re-engagement with the school. School and community-based interventions that work collaboratively with families to address attendance barriers should be prioritized and supported across the Commonwealth.

Meet the needs of students with disabilities. We ask the Committee to ensure that schools have the resources they need to serve students with disabilities, whether in person or remotely.¹ During the pandemic, many students with disabilities did not receive the appropriate and inclusive education which they need and to which they are legally entitled. While we applaud the school districts that prioritized the return of students with disabilities to in person learning, all districts should continue to provide compensatory education to address the deprivations of education to students with disabilities for the entire time period that appropriate supports and services were not provided. We also urge Members to support legislation to permit schools to allow students with disabilities who have reached the age of 21 during this school year to remain in school for an additional school year.

Ensure that culturally and linguistically diverse families are supported. Schools must consistently provide meaningful communication with English learners and their linguistically and culturally diverse families, as required by law. Many Western Pennsylvania families shared they felt disconnected from school or unable to participate in activities due to inadequate translation and interpretation. Meaningful family engagement fosters trusting relationships between schools and families, necessary for positive education outcomes. During the pandemic and online schooling, English learners often reported internet connectivity issues and difficulty with navigating online learning platforms that led to an inability to access education. At times, the online English instruction they did receive was not grade level appropriate or differentiated by language proficiency. To address these access and equity issues, schools should establish remedial programs and supports to address the loss of learning opportunities experienced by English learners.

Ensure fair and equitable funding for public schools. All of these proposed reforms require a sustained increase in fair and equitable funding to ensure that all students in Pennsylvania have public schools with the funds necessary to meet their unique needs. Pennsylvania's most underfunded districts serve a disproportionate share of our students of color, students living in poverty, students with disabilities, and English learners. In addition to increasing Basic Education Funding to meet the needs of all 500 districts in Pennsylvania, ELC supports the new "[Level Up](#)" funding proposal which calls for a Level Up supplement fund to accelerate the path to adequacy and equity for the 20% of districts that are the most underfunded.

We would welcome the opportunity to continue this conversation with Education Committee Members. Thank you again for this opportunity.

¹ Attached is our [recent letter](#), joined by over 35 organizations and advocates, calling for needed increases in special education funding and additional reforms to ensure that all public schools serving students with disabilities, including charter schools, receive tiered funding based on the needs of the students they serve.

April 9, 2021

TO: Pennsylvania General Assembly

FROM: Statewide Child Advocates (see pages 2-5 for full list of names)

Re: **Education Funding for Students with Disabilities**

We are writing on behalf of parents, students, and community members across Pennsylvania to ask for your support to address the critical educational needs of students with disabilities. While these needs have been heightened during the COVID-19 pandemic, the gap between adequate and actual special education funding is longstanding. Students with disabilities need your support now.

We strongly urge you to support the proposed additional \$200 million in special education funding to be distributed through the special education formula in the FY 2021-22 budget.

Current state funding of special education is inadequate. Since 2008, the costs of educating students with disabilities in Pennsylvania public schools grew by a full \$2 billion, yet state aid for special education climbed by only \$110M.¹ Local districts have borne nearly all of the increased costs of special education services, and many districts have had to cut critical resources, staff, and services that students need to make educational progress.

For the over 300,000 students with disabilities across Pennsylvania, the need for significant state investment in special education is urgent. **We strongly urge you to commit to restoring the state's share of special education funding back to its 2008-2009 level of 32%.** This commitment will require significant multiyear increases in investment in state funding for special education services and the proposed \$200M is a meaningful, positive step. Such increases are needed to prevent the allocation of funding from becoming more inequitable and unsustainable. These dollars would allow districts to provide the high-quality, inclusive education, including transition supports for career and life readiness, that children with disabilities need and to which they are legally entitled.

The educational needs of these students have been exacerbated by the pandemic, which has resulted in profound learning losses as many students were unable to meaningfully participate in online learning due to their disabilities. School closures due to COVID-19 have also resulted in an increased need for Extended School Year programs and long waiting lists for in-person evaluations and re-evaluations.

¹ *A Decade of Shortchanging Students with Disabilities*, December, 2020, available at <http://bit.ly/spec-ed-report-2020>.

Funding deficits in basic education also impact students with disabilities. While schools will receive much needed federal funds to recover from the pandemic, this one-time infusion of emergency aid will not solve our longstanding, multi-billion underfunding of Pennsylvania's schools. The Governor's proposed boost in basic education funding is the kind of investment that school district administrators, educators, and parents desperately need. It would provide significant relief to the most underfunded districts with the greatest need, without taking away funding from any other district.

We urge you to take steps to close the more than \$4.6 billion basic education funding adequacy gap that plagues our schools and children. By using the bipartisan basic education funding formula to distribute the increased investment, dollars will be allocated based on actual district and student need. This investment is crucial because, due to past divestment and inequitable distribution of funding, students with disabilities—and their classmates across the Commonwealth—are not receiving an adequate or equitable education. A one-time infusion of federal funds does not remedy these shortfalls in recurring expenses.

Finally, we hope you will join us in supporting the recent bipartisan efforts to ensure that all public schools serving children with disabilities, including charter schools, receive tiered funding based on the needs of the students they serve. We look forward to working with you to address special education funding as part of charter reforms so that all students have equitable access to and inclusive opportunities in Pennsylvania public schools. When adequate basic and special education state funding is not available, poorer districts — the communities least able to compensate for state underfunding through local tax increases — and the students within them are acutely harmed. We know that this has a harsh impact on Black and Brown students in Pennsylvania, who are concentrated in the state's lowest-wealth districts.

Both additional resources and the equitable distribution of those resources are needed to ensure that students with disabilities in all public schools receive the appropriate supports and services they desperately need to be successful in school and beyond. We thank you for your continued commitment to education and investing in the future of Pennsylvania's children.

Thank you for your consideration.

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