

STATEMENT TO BE READ TO COMMITTEE MEETING – 3/10/10

I want to thank you for the opportunity to share my insights and feedback, and I am sorry that I was not able to attend this meeting. I look forward to discussing this further, so please contact me with any questions regarding this statement.

In thinking about the proposal to move fifth grade to the Middle School, I appreciate that we need to make changes that are fiscally responsible – at the same time that we maintain educationally sound programs for our students and their families. While on the surface, moving 5th grade to utilize space that may be available at the Middle School might seem to be the answer, upon examination, there are several concerns that may actually work against these objectives. For the following reasons, caution needs to be taken to ensure that both financial and student benefits are among the final outcomes.

Within Special Education, there are strict regulations and requirements that mandate criteria like caseload maximums, age ranges on caseloads, square footage per student, and many other things that direct our delivery of a Free and Appropriate Public Education (FAPE) to each student found eligible. To begin with, when programs are moved to different buildings, we must submit a revised Program Profile, which is part of our State Plan, delineating the type and location of each program, numbers on caseloads, and proposed staffing. Prior to approval of the revised Program Profile, our Compliance Monitor makes a site visit to each classroom location, to assure that the space meets requirements for square footage and location in the building. Beyond that approval process, we need to ensure programs that address student needs, while meeting all of the procedural and substantive requirements of IDEA and Chapter 14. These considerations include the issue of Least Restrictive Environment (LRE) - continuing to increase our levels of inclusion, with supports in place that allow for student success and growth. It is anticipated that one of the next LRE compliance issues to be addressed, over the next couple of years, will be the numbers of students who are placed in out-of-district programs. Therefore it would behoove us to anticipate the need for additional capacity – space, programming, and staffing – to accommodate bringing many students back from other placements. These are just a few of the ways that districts are monitored and held accountable for Special Education. Violations of these regulations can result in citations and sanctions – including the loss of state and federal funding.

At another level, we must address each individual case vigilantly, ensuring that services are being delivered in a fashion consistent with timelines, and that each student makes measurable progress. Should hasty changes result in staff not being prepared to deliver designated services, to follow mandated timelines, and to comply with other mandates, we will expose the District to higher risk for parent complaints and requests for due process. Please be reminded that the average cost to a district, for each case that goes through due process, is \$100,000. This is only one illustration of how the interests of good programming are consistent with protecting our schools financially.

Moving fifth grade, given our current Special Education numbers and configurations, would result in an additional 52 Learning Support students entering Middle School, in addition to the 49 IEP students who will be sixth graders – over 100 special education students making that transition in one year. Typically, planning for this transition is ongoing for a year prior to the move, as part of the IEP process.

Nonetheless, four special education teachers would need to be moved from the elementary level to cover these caseloads, with one of them expected to become an Emotional Support position – to cover the anticipated increase in needs for behavioral and emotional support.

In addition to the Learning Support configurations, our Life Skills programs would necessitate a new teaching position and two new assistant positions to be created. Reducing the elementary Life Skills to K-4 would still require the two classes that are currently at Barth. However, the one existing 6th-8th grade Life Skills classroom cannot be expanded to cover four grade levels and the total numbers of students who would need that programming at the Middle School in 5th-8th grade. In addition, to address the higher level of needs for support and services – for Life Skills as well as the additional grade level in general - an occupational therapist position would need to be added to our tentative budget.

As in the past, the alternative to providing viable in-district programming for our students with needs for Life Skills, Emotional Support, and other more intensive programming is placement in special programs outside the District. However, as I've already explained, this option is becoming less available and less likely to be approved. Moreover, special education placements with Approved Private Schools, the Intermediate Unit, and other alternative programs can cost between \$30,000 and \$60,000 per student. This is one of the big reasons that we opened more of our own programs several years ago.

Back at the elementary level, the result of reducing special education grade levels will mean that programs are reconfigured and consolidated across the District. For instance, where we may have had Learning Support teachers with caseloads covering 4th and 5th grades, we would now have to look at planning caseloads for 3rd and 4th. This will result in moving more students between buildings, taking more students out of their attendance areas, and increasing transportation for special education delivery.

Beyond Special Education considerations, housing four grade levels at the Middle School will require moving and adding of other staff. A third guidance counselor position would be needed at the Middle School. If that position were to be moved from the elementary schools, a part-time psychologist position would be required to fill a gap in one of the K-4 buildings.

Response to Instruction and Intervention (RTII) programming would also need to be reconfigured. With a move of some of our intervention specialists from elementary to middle school, reduced teams at the elementary level would result in less flexibility for Tier II grouping and consistency in delivery. We are only one year into seeing the results of RTII – in significant student progress and drastically reduced numbers of referrals for special education. (We are currently at 48 referrals, compared to an average of 129 over each of the previous three years.) The impact of undermining the delivery of RTII could very well be a setback, resulting in higher numbers of referrals and identifications for special education.

Transition from elementary to middle school is something that needs to be considered for many students – especially those with IEPs and 504 Service Plans. In many cases, the staff receiving these children needs specialized training – for various concerns, including medical needs, learning needs, and behavioral needs. The students themselves need instruction and activities planned to prepare them for

the transition and to ensure their readiness to function in a larger building with much different types of scheduling, structures, and expectations.

In summary, we have only just begun to examine the feasibility and impact of the proposed move for 5th grade. Depending on time provided for planning and resources available for programming, the potential impact could be extremely detrimental – in terms of compliance issues and in terms of the delivery of education. The financial considerations include additional staffing, increased transportation, and the potential risk for greater legal expenses. I believe that the best strategy for fiscal responsibility is, at the same time, doing what is in the best interest of our students and our programs.

Pamela Bateson

Director of Special Education & Student Services