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May 31, 2022

To: Members of the General Assembly  
From: Statewide Child Advocates (see pages 3-5 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 were heightened during the COVID-19 pandemic, resulting in disproportionate learning loss, the gap between adequate and actual special education funding is longstanding. Students with disabilities need your support now.

**We strongly urge you to support an additional \$200 million in special education funding to be distributed through the special education formula in the FY 2022-23 budget.**

Current state funding of special education is inadequate. Between 2009 and 2020, the cost of educating students with disabilities in Pennsylvania public schools grew by almost \$2.2 billion, yet state aid for special education climbed by only \$156 million.<sup>1</sup> 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 more than 300,000 students with disabilities across Pennsylvania, the need for significant state investment in special education is urgent. 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.<sup>2</sup> School closures due to COVID-19 and the inability of many students with disabilities to participate in remote learning have also resulted in an increased need for more expansive Extended School Year programs as well as long waiting lists for in-person evaluations and re-evaluations.

State special education funding has not come close to keeping pace with growing expenditures based on the needs of students and cost of services. Since 2008-09, special education costs have grown an

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<sup>1</sup> Education Law Center. *Fixing the Special Education Funding Gap*. May 26, 2022. <http://bit.ly/spec-ed-report-2022>

<sup>2</sup> See, e.g., *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students*, available at <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf?tpcc=nlcapsule>.

average of \$199 million annually, and the average has increased to \$238 million annually in the last five years. We urge you to close this growing gap by providing an increase of at least \$200 million in 2022-23. ***This is the minimum required to stop the decline in total state share of special education funding which has fallen to less than 22%.***

Students with disabilities are also impacted by funding deficits in basic education. Education experts have identified an adequacy gap of at least \$4.6 billion and estimate that more than half of all school districts have significant gaps of more than \$2,000 per student. We urge you to take steps to close the basic education funding gap by supporting a significant increase in the Basic Education Funding appropriation.

This investment is crucial because, due to past underinvestment, divestment, and inequitable distribution of funding, students with disabilities — and their classmates across the Commonwealth — are not receiving an adequate or equitable education.

The availability of federal funds does not excuse the General Assembly from its responsibility to fully fund special education. The federal dollars are short term and non-recurring, and districts have been reminded not to use those funds for ongoing expenses. The best way to meet student needs and ensure stable funding into the future is with significant, recurring basic and special education funding.

Finally, we urge you to take needed action to reform charter school special education funding. Applying the tiered special education funding formula to charter schools will put an end to the perverse system that incentivizes overidentification of students with less costly needs and exclusion of students with significant disabilities. Charter schools receive direct federal funding, including ESSER funding and receive higher tuition payments when BEF funding rises. These two factors will help to mitigate any financial impact that could occur when this egregious loophole is finally closed. All public schools serving children with disabilities, including charter schools, should receive tiered funding based on the needs of the students they serve. All students should have equitable access to education and inclusive learning opportunities in Pennsylvania public schools, including charter schools.

When adequate basic and special education state funding is not available, students in low wealth rural and urban districts are most affected and their choices are most limited. Students with disabilities are most harmed in districts that cannot raise funds locally to provide an education that ensures all students, including students with disabilities, are college and career ready.

We thank you for your continued commitment to education and investment in the future of Pennsylvania's children.

Thank you for your consideration.



Deborah Gordon Klehr, Executive Director

## **STATEWIDE & REGIONAL ORGANIZATIONS:**

**Adelphoi**, Nancy Kukovich, CEO

Westmoreland County

**The Arc of Pennsylvania**, Katie Yost, Manager of Government Relations & Affairs

Cumberland County

**The Arc of Philadelphia**, Shane Janick, Executive Director

Philadelphia County

**Asian Americans United**, Neeta Patel, Interim Executive Director

Philadelphia County

**Berney & Sang**, David Berney, Senior Partner

Philadelphia County

**Bradley Goldsmith Law**, Heidi Goldsmith, Founding Partner

Berks County

**Centro de Cultura, Arte, Trabajo y Educación**, Holly Link, Director of Education Programs

Montgomery County

**Children First**, Donna Cooper, Executive Director

Statewide

**Delaware County Office of the Public Defender**, Chris Welsh, Chief Defender

Delaware County

**Education Rights Network**, Joy Evans, Education Organizers

Allegheny County

**Education Voters of Pennsylvania**, Susan Spicka, Executive Director

Statewide

**The Empowering Lives Foundation**, John S. Seely, Head Coach/Executive Director

Blair County

**Extraordinary Law**, Brandi K. Suter, Attorney

Allegheny County

**The Field Center for Children's Policy, Practice & Research**, Sarah Wasch, Program Manager

Philadelphia County

**HELP: MLP**, Susanna Greenberg, Managing Attorney

Philadelphia and Delaware Counties

**Homeless Advocacy Project**, Laura Kolb, Children, Youth & Families Project Director

Philadelphia County

**Isaacs Bernstein PC**, Lisa Isaacs, Managing Partner

Bucks County

**JUNTOS**, Erika Guadalupe Nunez, Executive Director

Philadelphia County

**Juvenile Law Center**, Susan Mangold, CEO

Statewide

**The Law Offices of Caryl Andrea Oberman LLC**, Caryl Andrea Oberman, Partner

Statewide

**Law Office of Benjamin J. Hinerfeld**, Benjamin J. Hinerfeld, Owner and Principal

Philadelphia County

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## **STATEWIDE & REGIONAL ORGANIZATIONS, Continued:**

**League of Women Voters of Pennsylvania**, Sarah Miller, Director of Social Policy  
Dauphin County

**Legal Clinic for the Disabled**, Linda Peyton, Executive Director  
Philadelphia County

**Local Task Force 3**, Heather Zak, Chairperson  
Allegheny County

**McAndrews, Mehalick, Connolly, Hulse & Ryan**, Dennis McAndrews, Founder  
Statewide

**PA Education Scholars**, Lisa Smulyan, Professor of Educational Studies  
Statewide

**PA Parent and Family Alliance**, Christina Paternoster, Director  
Statewide

**PARENT POWER**, Cecelia Thompson, Director of Special Education  
Philadelphia County

**The PEAL Center**, Mary Hartley, Executive Director  
Statewide

**Pennsylvania Association of Rural and Small Schools**, Edward Albert, Ed.D., Executive Director  
Statewide

**Pennsylvania Principals' Association**, Eric Eshbach, Ed.D., Executive Director  
Cumberland County

**Pennsylvania PTA**, Marie Merkel, President  
Dauphin County

**People's Emergency Center**, Joe Willard, Vice President, Advocacy & Policy  
Philadelphia County

**Philadelphia Family Voices**, Lauren Flynn, Executive Director  
Philadelphia County

**Philadelphia Federation of Teachers**, Jerry T. Jordan, President  
Philadelphia County

**Philadelphia Interfaith Hospitality Network**, Rachel Falkove, Executive Director  
Philadelphia County

**Pittsburgh Local Taskforce on the Right to Education**, Eileen Gorry and Amanda Zimmer, Co-Chairs  
Allegheny County

**Public Interest Law Center**, Brenda Marrero, Executive Director  
Philadelphia County

**Uplift Center for Grieving Children**, Darcy Walker Krause, Executive Director  
Philadelphia County

**Raffaele & Associates**, Kathleen Metcalfe, Managing Attorney of Special Education  
Montgomery County

**Support Center for Child Advocates**, Frank P. Cervone, Executive Director  
Philadelphia County

**Teach Plus Pennsylvania**, Laura Boyce, Executive Director  
Statewide

**The Village of Arts & Humanities**, Michaela Pommells, Director of Organizing  
Philadelphia County

**Vision for Equality**, Audrey Coccia, Co-Executive Director  
Statewide

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## **INDIVIDUALS**

**Heidi Allen**, Parent and Advocate

Philadelphia County

**Marjorie Anderson**, Family Representative, Philadelphia Parent Support Groups

Philadelphia County

**Leah Snyder Batchis**, Partner, Batchis Nestle & Reimann LLC

Montgomery County

**Floyd D. Beachum**, Professor, Lehigh University

Northampton County

**Morgan Black-Smith**, Attorney, Support Center for Child Advocates

Philadelphia County

**Susan DeJarnett**, Professor, Temple University

Philadelphia County

**Barbara Ferman**, Professor, Temple University

Philadelphia County

**Kara R. Finck**, Practice Professor of Law, University of Pennsylvania Carey Law School

Philadelphia County

**Jennifer Fischer**, Administrator, PICC

Philadelphia County

**Heather Hulit**, At Counsel, Berney & Sang

Philadelphia County

**Nyeta Griggs**, Family Resource Peer Specialist, Philadelphia Family Voices

Philadelphia County

**Nicole Johnson**, Associate Professor, Lehigh University

Lehigh and Northampton Counties

**Sara Kangas**, Associate Professor, Lehigh University

Lehigh County

**Lee Kern**, Professor and Director, Lehigh University

Northampton County

**Christopher Liang**, Professor, Lehigh University

Bethlehem County

**Roseann Liu**, Assistant Professor of Education Studies, Wesleyan University

Philadelphia County

**Dr. Kim Pickney-Lewis**, Parent, Instructional Designer, Inclusive Learning Advocate

Cumberland County

**Dr. Sonia Rosen**, ITSR Professor, University of Pennsylvania Graduate School of Education

Philadelphia County

**Laura Brook Sawyer**, Associate Professor, Lehigh University

Northampton County

**Lisa Smulyan**, Professor, Swarthmore College

Delaware County