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Blueprint for Maryland's Future Special Education Workgroup

Workgroup Meeting #9

**Division of Early Intervention and Special
Education Services**

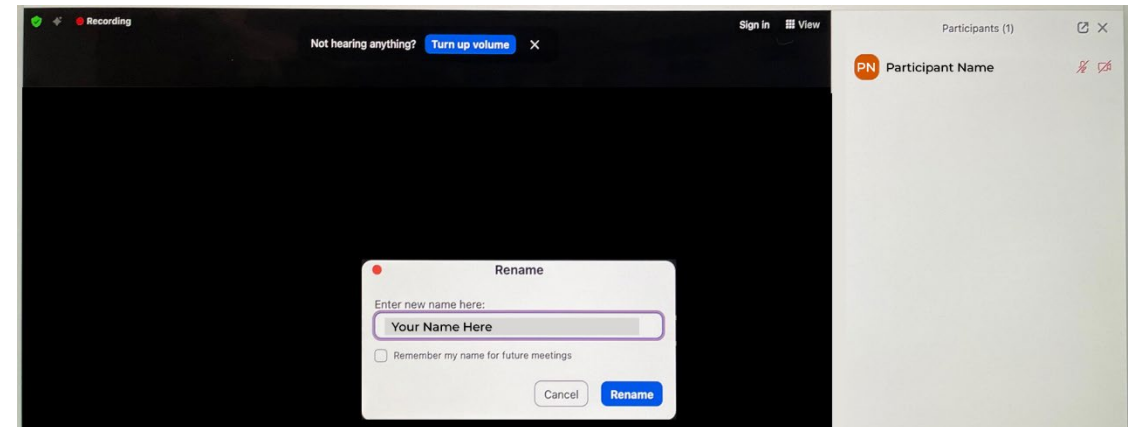
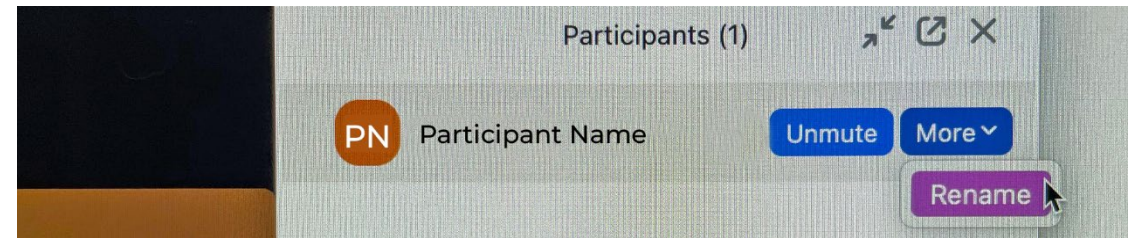
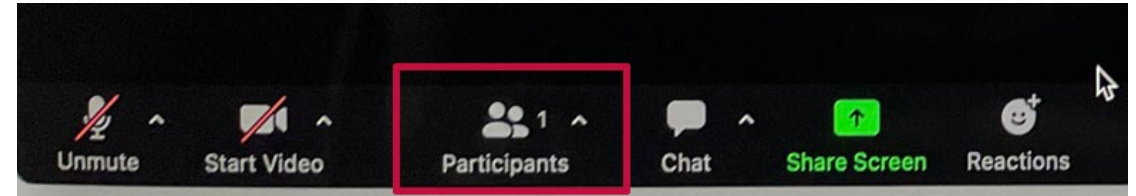
May 29, 2024

CO-CHAIRS

Dr. Carey Wright, Interim State Superintendent of Schools
Liz Zogby, Special Education Policy & Advocacy

Please Ensure Your Name Appears Correctly

1. Select Participants, located in the bottom toolbar of the meeting window
2. Hover over your name and select More (desktop) or tap your name (mobile)
3. Click or tap Rename
4. Enter your desired name and click Rename (desktop) or Done (mobile)

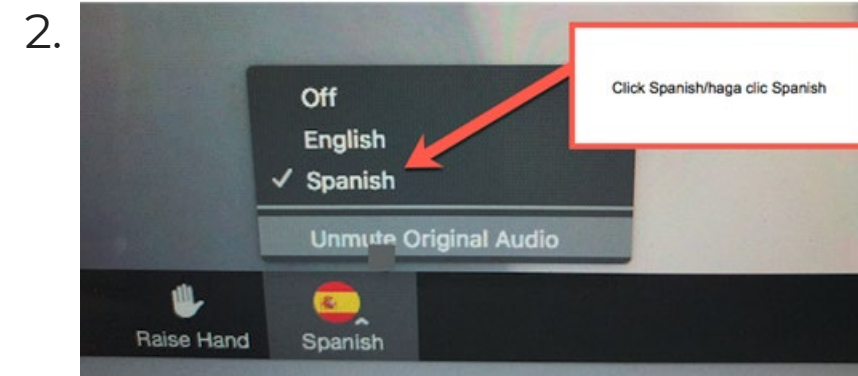
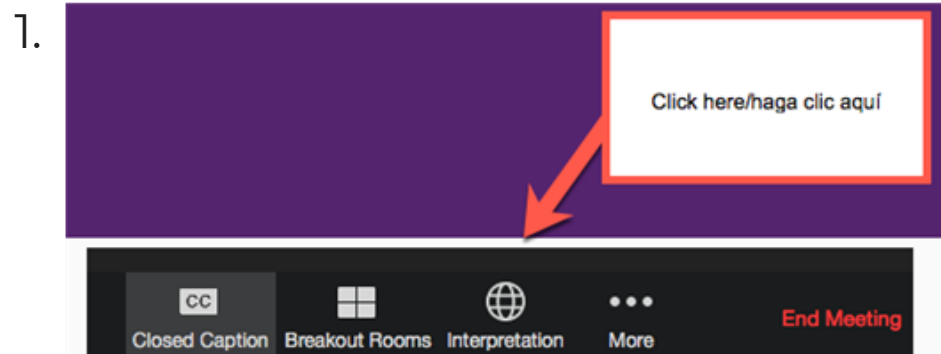


Note to Attendees

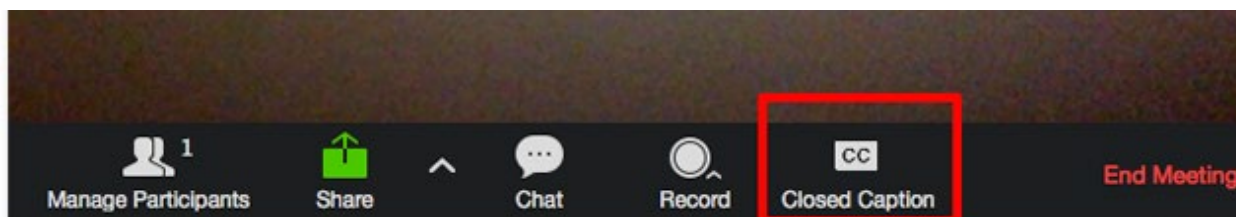
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¿Español?



Closed Captioning





Presentation Outline

1. Welcome/Introductions
2. Public Comment
3. Highlights from April 24th
4. Discussion of Proposed Recommendations
5. Overview of State Funding of Special Education
6. July 1 Special Education Blueprint Report Update
7. Exit Ticket Reflections
8. Wrap Up/Closing

Blueprint Special Education Workgroup

Meeting #9

Guiding Question(s)

- Is funding for special education adequate?
- How can MSDE require LEAs to use special education funding under the Blueprint to supplement (not supplant) funding for special education services?
- What are options for short-term funding increases?



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Public Comment

Hear from Registered Guests – Public Comment Period



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Highlights from April 24th

Summary of Workgroup Feedback and Input



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Discussion of Proposed Recommendations


Review and Discussion on Proposed Recommendation(s)

Recommendation for Discussion

MSDE should develop a plan for a plan with specific tasks and timelines within 60 days to set evidence-based baseline standards for staffing and service delivery, with mechanisms for flexibility with justification, emphasizing a focus on student needs not financial constraints, and developed with consideration of the specific ideas generated by the Workgroup.

The plan should include:

- Updating guidance for LEA development of staffing plans, with enhanced emphasis on transparent processes, vacancy reporting, and connection of staffing plans to improved student outcomes.
- Standards for teacher/staff to student ratios for different service delivery models at elementary, middle, and high school levels.
- Baseline standards for special education teacher and related service provider workloads, including the use of Blueprint-required noninstructional time.
- Standards for the role of IEP chair, including scope, training, and funding this position.
- Standards for paraprofessionals and 1:1 aides, including qualifications, training and ongoing professional development, determining appropriate support for students, data collection on their use, and ensuring adequate supervision.

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Overview of State Funding of Special Education

Current Practices for Funding Special Education

Expert Presentation

Dr. Tammy Kolbe is a Principal Researcher at the American Institutes for Research where she leads research and policy analyses related to federal and state special education funding policy, and PK-16 education finance generally. She has worked with states to evaluate and redesign their existing special education funding policies and currently serves as the principal investigator for the US Department of Education's National Study of Special Education Spending.

State Approaches to Funding Special Education

Tammy Kolbe, Principal Researcher, tkolbe@air.org

May 28, 2024

Presentation Plan

- 1. Setting the stage**
 - a. Federal requirements for state funding
 - b. How states determine their funding obligations
- 2. National Policy Landscape for Special Education Funding Formula**
 - a. Using weights to adjust for cost differences
 - b. Funding caps
 - c. High-cost student reimbursement plans
- 3. JLARC input on next steps**

Setting the stage

Federal Requirements for State Funding

- **Maintenance of financial (MFS) support**

- States are required to make available at least the same amount of state financial support from one year to the next for the education of children with disabilities (34 CFR §300.163(a)).
 - » Federal requirements do not stipulate how states distribute aid among LEAs; instead, states are bound to maintain an aggregate level of financial support across all entities
 - » States have considerably more flexibility in modifying how aid is distributed among LEAs than they have in reducing the total amount of state spending

Federal Requirements for State Funding

- **Least Restrictive Environment**

- State funding mechanisms “shall not” result in placements that violate federal requirements for serving children with disabilities in the “least restrictive environment.” (§ 1412 (a)(5)(B)(i) of U.S. Code Title 20)
- » States cannot put in place a funding mechanism by which the State distributes funds based on the type of setting in which a child is served that ***will result in the failure to provide a child with FAPE*** according to the unique needs of child as described in their IEP

How States Determine Their Funding Obligations

State funding obligations are either:

1. **Built up** from individual components
2. Established **top down** from amounts appropriated in legislation

Nearly all states determine their obligations from the bottom up, using one or more formula.

Calculating State Aid Amounts

- **State funding formula are typically comprised of two parts:**
 1. A basis on which funding is calculated
 2. The mechanisms that determine the amounts of funds generated by the formula

Calculating State Aid Amounts

Component Parts of State Aid Formula for Special Education

| Basis for Funding | Mechanisms for Allocating State Aid |
|--|--|
| Student count (SWD vs. all students) | Pupil weights or fixed dollar grants (per student) (Single or multiple) |
| Resource ratios (Student-to-staff ratios) | Fixed dollar grants (Per instructional unit) |
| Expenditures (Actual or allowable spending) | Cost reimbursement (As a percent of spending) |

Other design elements:

- 1. Contingency funding programs for high-cost students
- 2. Caps on state funding, usually tied to special education enrollment/identification rates

National Policy Scan: State Special Education Funding Formula

Most Common Funding Mechanisms Used by States (FY2020)

| Funding Mechanisms and Components | States with Approach/Component | Number of States |
|-----------------------------------|--|------------------|
| Single Weight | AL, LA, MD, ME, MO, ND, NY, OR | 8 |
| Multiple Weights | AK, AZ, DC, FL, GA, IA, KY, NM, NV, OH, OK, PA, SC, TX, WA | 15 |
| Fixed Dollar Grants | CA, IL, MA, MS, NH, NJ, NC, UT, VA, VT | 9 |
| Tiered Grants | CO, DE, ID, IN, SD, TN | 6 |
| Embedded in Foundation Aid | AR, CT, RI | 3 |
| Cost Reimbursement | KS, MI, NE, WI, WY | 6 |
| Hybrid | HI, MN, MT | 3 |
| Enrollment Caps | AL, ID, MA, ME, MO, NC, NJ, NV, OR, SD, UT, WA | 12 |
| | | |

States That Use Single Weights

| State | Basis for funding | Weight |
|-----------------|--|---|
| Alabama | Student count (Stipulated percentage) | 1.5 |
| Louisiana | Student count (Actual SWD) | 1.5 |
| Maine | Student count (Actual SWD with cap) | 1.5 or 0.38 for students above threshold |
| Maryland | Student count (SWD) | Additional weight of 92% (2023-24) and 99% (2024- 25) |
| Missouri | Student count (SWD with minimum) | 0.75 |
| New York | Student count (Actual SWD) | 1.41 |
| North Dakota | Student count (Census; All students) | 0.88 |
| Oregon | Student count (SWD with cap) | 1.0 |
| Washington | Tier 1 Weight | 1.12 |

States That Use Multiple Weights

- Most states use multiple weights to adjust for cost differences associated with serving SWDs with different needs
 - *Washington is the only state that uses a smaller weight who spend more time outside general education settings; all other states that adjust on placement provide additional funding for more restrictive/costly placements.*
- Other states assign different weights according to:
 - Disability category
 - Groups of disability categories, by incidence (low/high) or needs (mild, moderate, severe)
 - Number of hours per week of specialized services
 - High vs. low-cost services or excess spending amount(s)
 - Where a student is placed for services inside a district (e.g., resource room; self-contained room; hospital class; homebound)
 - Whether a student is placed out of district

Enrollment Cap

| State | Enrollment Cap |
|----------------|----------------|
| Maine | 15% |
| Nevada | 13% |
| New Jersey | 15.40% |
| North Carolina | 12.75% |
| Oregon | 11% |
| Utah | 12.18% |
| Washington | 15% |

Research in North Carolina shows that its enrollment cap introduces fiscal equity concerns into the formula, since districts that may have a higher incidence of SWD eligible for special education are also those that serve larger shares of students experiencing poverty and that have less wealth (e.g., Needham, 2023).

Note: Some states assume a fixed percentage of students eligible for special education when operating their census-based funding formula. This is not a “cap,” but it does introduce an implicit assumption about the incidence of SWD across districts.

Safety Net Funding

| | States |
|---|---|
| States that operate high-cost student reimbursement program | AK, AR, CA, CT, KS, LA, ME, MA, MO, NH, NJ, NM, NY, ND, OH, OR, RI, SD, UT, VT, WA, WV, WI, |
| Uses dollar/spending threshold for eligibility | AR, CA, KS, MA, NJ, OR, VT, WV, WI |
| Uses per pupil spending multiplier for eligibility | CT, LA, ME, MO, NM, NY, RI, WA |

States are allowed to use up to 10% of their IDEA Part B set aside to fund a high-cost student program. To do so, states much follow specific federal guidelines for how the fund operates, including eligibility.

Maryland is one of the few states that does not have a “high cost” student program or “safety net” funding program.

Moving forward ...

Design Considerations for State Formula

- **Equity**

- » Does the funding formula drive supplemental state special education funding to where there is the most need?
- » Do localities that have less ability to pay (e.g., limited tax capacity/ability to raise revenues) for special education due to their tax capacity or overall spending burden?

- **Efficiency**

- » Does the formula distribute state funding in a way that minimizes state and local burden? Is it “simple” and “transparent” to administer?

- **Alignment**

- » Is the formula aligned with the state’s policy priorities for special education policy and practice?

Our Charge



“The workgroup shall make recommendations on improving the education of students receiving special education services in P-12 schools in the State, including whether additional funding is needed and addressing learning loss as a result of the COVID-19 pandemic”

- MSDE Blueprint Comprehension Implementation Plan, Objective 4.3(c)

Weighted models are intended to represent the additional costs of an adequate education for students with special needs.

Inputs in the model include:

- **Special Education Weight:** calculated based on the cost of additional services and supports needed by students eligible for specialized programs.
- **Foundation Program Cost:** the funding for the average student without special needs.
- **Number of Students :** the number of students with disabilities enrolled in a Local Education Agency (LEA) as of October of the prior year.

Weighted Model Calculation:

Special Education Weight = .99

Foundation Program Cost = \$8,789

Number of Students = 325

$$.99 \times \$8,789 \times 325 = \$2,827,825$$

75% of special education funding must follow students with disabilities to their schools

The 75% requirement will lead to significant under- and over-funding of some students because of the wide range of services and supports needed by SWD—A particular concern for students with high support needs

The Blueprint for Maryland's Future envisions a "layer cake" of funding for students with disabilities.

- Each student would receive the foundational amount **plus** any other special populations funding available
- For example, a **student with disabilities** who is also a **multilingual learner** and is **economically disadvantaged** would receive the corresponding per pupil amounts for each of those three programs
- The funding provided by the weights for ML and economically disadvantaged students is **not** intended to cover the adequacy of special education services and supports

There have been debates over using single-weighted models versus differentiated-weighted models.

- Maryland's current model uses a **single weight** calculation. Only a handful of states use single-weight special education models.
- The Kirwan Commission believes there should be “**differentiated weights** based on the severity of a student's disability”
- Two studies reviewed **tiered models**. One recommended the current single-weight model; the other recommended differentiated weights
- The weight was set by the **General Assembly** without direct reference to the estimated costs of providing adequate services and supports

Neither the Kirwan Commission, nor the Blueprint considered the costs of special education transportation or nonpublic special education school placements

Funding implications for students placed in nonpublic schools:

- The Disabled Student Transportation program provides an **additional \$1,000** for each disabled student transported during the previous year
- The Department must **first approve** the cost of the program
- The **Teacher Pay Parity Act** requires that a nonpublic school must provide and maintain a teacher salary that is equivalent to the local school salaries, phased in over 3 years
- State and the counties **share collectively** in the cost of educating children with disabilities in nonpublic programs
- Total state expenditures for 2021-22 on special education nonpublic placements was **\$275,164,105 or about 14.4%** of total state special education expenditures

Other Issues

Adequacy

There is overwhelming evidence, acknowledged by the Kirwan Commission, that special education is significantly underfunded and that an acceptable study of adequate funding is necessary. Two earlier studies have been deemed unacceptable.

Supplementation vs. Supplantation

The Kirwan Commission called for supplantation to be prohibited (i.e., the diversion of Blueprint special education funds to other LEA purposes), but there is no current guidance for LEAs or monitoring on this issue.

Budgeting and Accounting

Are current state budgeting and accounting requirements sufficient to enable the full, actual costs of special education to be determined?



Breakout Groups

Small Breakout Groups and Large Group Report Out

Small Group Breakout Sessions

- We are altering the breakout groups to Random Grouping to ensure everyone has an equal chance to participate, **ensure like-sized groups with diverse perspectives**, and to save time by automating the grouping process.
 - You will **automatically be assigned a group to move to (Except Room 1 – which will not move)**
 - When you receive a notification asking if you would like to move to a breakout group – please click “**move to breakout.**”
- Please **use the chat** if you have additional comments so that your feedback can be recorded.
- Breakout Group #1 will be live streamed and all will be recorded and posted on the MSDE website.
 - NOTE: Sign language** interpreters will remain in **breakout room #1** and will be live streamed.
- Each breakout group is assigned an **MSDE staff** as a **notetaker**.
- Each breakout group is asked to please **identify** a:
 - Facilitator
 - Timekeeper
 - Reporter to share out 2 – 3 minute highlights of the discussion
- There are six (6) total questions this evening – as there is limited time, do not feel you need to respond in order.

Small Group Breakout Sessions

Group Norms:

- **Speak with care:**
 - Speak from your own experience and be mindful of how your comments may impact others.
 - Use “I” statements and avoid speaking for or generalizing whole groups.
- **Listen respectfully:**
 - Avoid interrupting the person speaking and talk that evaluates/judges their comments.
 - Limit your comments to 1 – 2 minutes.
 - Understand that there are no right or wrong answers.
- **Lean in/Lean back:**
 - Give your input and make space for others to do the same.
 - Be aware of your talk time and try to stay on topic.

Small Group Breakout Sessions

Questions

1. Do you feel that funding for special education is adequate? How does inadequate funding impact students' access to free appropriate public education?
2. Do you think special education funding should be based on one weight or through multiple weights based on disabilities? Please explain.
3. What knowledge do you have about supplantation?
4. Should the costs for transportation, nonpublic placements, and minimum funding requirements be further studied?
5. What priorities might be set for additional funding for special education that would remove barriers between students and FAPE?
6. What other questions or recommendations do you have about special education funding in Maryland?

Large Group Report Out

Questions

1. Do you feel that funding for special education is adequate? How does inadequate funding impact students' access to free appropriate public education?
2. Do you think special education funding should be based on one weight or through multiple weights based on disabilities? Please explain.
3. What knowledge do you have about supplantation?
4. Should the costs for transportation, nonpublic placements, and minimum funding requirements be further studied?
5. What priorities might be set for additional funding for special education that would remove barriers between students and FAPE?
6. What other questions or recommendations do you have about special education funding in Maryland?




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Special Education Blueprint Report Update

Blueprint Special Education Workgroup Report

Blueprint Special Education Workgroup Report Timeline

| Task | Due Date | |
|--|-------------------------|-------------------------------------|
| Report Outline | April 24, 2024 | <input checked="" type="checkbox"/> |
| First Draft Complete | May 1, 2024 | <input checked="" type="checkbox"/> |
| Share Draft with Workgroup | May 6, 2024 | <input checked="" type="checkbox"/> |
| Receive Feedback from Workgroup | May 20, 2024 | <input checked="" type="checkbox"/> |
| Address Comments/Revisions | May 20 – May 31, 2024 | |
| Share Final Draft Report with Executive Team | May 31, 2024 | |
| Submit Final Draft to MSDE Leadership | June 5, 2024 | |
| Address Revisions | June 20 – June 28, 2024 | |
| Submit to Workgroup and AIB | July 1, 2024 | |

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Exit Ticket Reflections

Exit Ticket Reflections

Exit Ticket

1. What evidence-based standards for staffing should MSDE require annually in LEA Staffing Plans?
2. What guidance, if any, should MSDE provide to LEAs on class sizes in general and special education classrooms and proportions of students with and without disabilities in general education classrooms, at different grade levels?
3. What evidence-based standards or guidance for teacher/provider-student ratios under various service delivery models should be adopted by MSDE?
4. What workload standards based on best practices or professional judgment could MSDE set?
5. What staffing standards and guidance could MSDE define to support alignment of staffing with service delivery models?
6. What standards for hiring, training, and utilizing paraprofessionals as part of students' IEPs could be established by MSDE to ensure that appropriately trained and supervised personnel positively impact student learning? What strategies could be employed to reduce overreliance on paraprofessionals?



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Wrap Up/Closing

Moving the Work Forward

Next Steps and Resources

Next Meeting

- **June 26, 2024** from 4pm to 6pm in a virtual format for all participants.

Topic: Least Restrictive Environment (LRE)

Forthcoming:

- Takeaways
- Reading recommendations
- Requested data and supporting analysis (as applicable)

MSDE Blueprint Special Education Workgroup Webpage:

Blueprint.MarylandPublicSchools.org/Special-Education-Workgroup

Future Meeting Dates

| Date | Time |
|-------------------------------|----------------|
| Wednesday, June 26, 2024 | 4:00 – 6:00 pm |
| Wednesday, July 31, 2024 | 4:00 – 6:00 pm |
| Wednesday, August 21, 2024 | 4:00 – 6:00 pm |
| Wednesday, September 25, 2024 | 4:00 – 6:00 pm |
| Wednesday, October 16, 2024 | 4:00 – 6:00 pm |
| Thursday, November 21, 2024 | 4:00 – 6:00 pm |
| Wednesday, December 18, 2024 | 4:00 – 6:00 pm |

BLUEPRINT

FOR MARYLAND'S FUTURE

More information can be found on MSDE's Blueprint webpage:

Blueprint.MarylandPublicSchools.org