



National Association of Social Workers

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RE: Rhode Island Board of Regents for Elementary and Secondary Education proposed regulations governing the education of children with disabilities.

In preparation for this testimony, our office has researched studies relating to class size efficacy and reviewed the Rhode Island Department of Education (RI DOE) Executive Summary, current regulations, and the proposed changes posted on the RI DOE website. In addition, this testimony relies heavily on over 20 years of working with special populations by this writer in public schools and private educational facilities. The following are general comments related to this testimony:

1. The National Association of Social Workers - Rhode Island Chapter (NASW - RI) chose areas to comment on based on familiarity, comfort level of expertise, and a concern for the potential loss of needed services and/or effectiveness of changes.
2. Overall, NASW - RI is concerned with what appears to be the abdication of some of the responsibility for regulating special education services and the transfer of responsibility for service rationalization to local authority where a myriad of political/economic factors, and influence from special interest groups could easily influence regulations for the wrong reasons.
3. There are several places in the proposed changes where the Department's lawyer defers to federal guidelines comparing current regulation's to national special education law and guidelines. Many of these references seem to favor an outcome for "least" resources to comply to the "letter of the law". In the opinion of this writer, Rhode Island has been a leader in establishing service guidelines requiring the most effective resources be utilized, even when the resources exceeded federal regulations. Unless special education law is different than many other areas of law, there is no legal reason for Rhode Island to comply with minimum federal requirements.
4. It is important to note that NASW - RI agrees with a number of the recommendations as in Topic Area - Transition Services and Topic Area 9 1.a) Personnel Qualifications.

Major Areas of Concern

Specifically we are concerned with the following proposed changes as outlined in the *Proposed Regulations of the Board of Regents for Elementary and Secondary Education Governing the Education of Children with Disabilities Executive Summary September 2007*:

I. Topic Area 6. Extended School Year Services (ESY)-300.106

- o Federal: Require LEA to ensure ESY available as decided by student’s IEP team without limiting services to a particular category of disability. Also—State must have standards
- o RI regulations require a 230 day program (minimum) for a specific category of children based on disability (not IEP team decision). Legal opinion suggests this is inconsistent with Federal law and regulation
- o Recommendations: Adopt Federal language and develop standards
- o Justification: Legal opinion of Commissioner’s staff

In the opinion of this writer, it would seem the Department needs to put in place a guarantee that every child requiring an extended school year would receive the services based on individual needs of the child and on categories of disability, if research has indicated such a need. It will be important that Rhode Island regulation takes into account both of these factors and ensure programing at or beyond 230 days if the information so indicates.

II. Topic Area 9: Personnel—300.156 -300.158

- o Federal: Requires States to establish and maintain qualifications to ensure personnel appropriately trained to carry out requirements of IDEA. Note: No Federal personnel requirements with respect to class size or caseload.
- o RI: Current Regulations set class size and caseload restrictions and limitations.
- o Recommendations:
 1. a) Adopt Federal approach; (b) Keep current personnel qualifications and certification requirements; ©) Eliminate class size and case load requirements for all school personnel
 2. Monitor LEA performance and outcomes and address accountability through established RIDE system of checks and balances.
- o Justification: Utilize established RIDE accountability checks and balances (NECAP, APP, APR, CRP, school support monitoring, due process data collection, PS&I, etc.) provide system of accountability to measure outcome.

NASW - RI has two major concerns in this Topic Area - Changes in regulation regarding class size and changes in required caseloads. In preparation for this testimony, NASW - RI performed a comprehensive literature review looking at research regarding class size. Our review found eight studies which concluded overwhelmingly that small class size was one the major reasons students performed at a much higher academic levels than students in larger classes. (A summary of the studies is available upon request.) This is common sense. As professionals know, students learn indifferent ways and at different paces. **“One size cannot fit all.”** The more individualized the instruction, the more each student learns. This axiom is absolutely supported by my 20 plus years of professional experience working with special needs students in public and private educational settings.

NASW - RI strongly recommends that Rhode Island keep it's present standards regarding class size. Anything else would be a disservice to special need students who require small classroom settings to succeed.

The second major area of concern is in regards to caseloads. Although it is our opinion, the current caseload requirements do not require enough support staff, having no minimum in each category could result in some districts reducing support staff to the level where academic performance will be greatly harmed. We live in a complicated world that requires complex answers and responses. Support service staff and their respective specialty provides the flexibility and specialized skills necessary to help students achieve academic goals.

Among support staff, I am most familiar with my own profession, social work. In order to be a School Social Worker, one must have completed an undergraduate degree and successfully obtained a master degree in social work from an accredited program. A school social worker must also be licensed as a Licensed Clinical Social Worker (LCSW) or a Licensed Independent Clinical Social Worker (LICSW) and be certified by the RI DOE. In addition, besides the 90 hours of continuing education required by the School Social Work Certification, Rhode Island Social Work Licencing Law also requires school social workers to complete 30 hours every two years of professional social work continuing education, including workshops in ethics and cultural competence. The end result of this education is a highly qualified, specialized professional who understand issues faced by students, teachers, administrators, and families on both macro (local, state and federal level) and micro (clinical, small systems and family) levels.

Local public school systems are not immune to angry local tax payer groups, local special interest groups, or political influences that do not have student education needs as a priority. There is no doubt that positive community influence is critical to successful school climate and that a better system of paying for education needs to be developed, however, this particular change could spark unexpected consequences because of lack of understanding of what support staff do or pure callousness by influential parties.

If you have any questions regarding this testimony, please direct them to myself at 401-274-4940.

Respectfully submitted by:

Rick Harris, LICSW
Executive Director