U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, NOVEMBER 15, 2024

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The Commission convened at the United States Commission on Civil Rights, located at 1331 Pennsylvania Avenue, NW, Suite 1150, Washington, D.C., at 10:00 a.m., Rochelle Garza, Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA FRANCES NOURSE, Vice Chair

STEPHEN GILCHRIST, Commissioner

J. CHRISTIAN ADAMS, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

MONDAIRE JONES, Commissioner

GLENN D. MAGPANTAY, Commissioner

MAURO MORALES, Staff Director

STAFF PRESENT:

DONALD BATES, Webex Producer

LILLY DAVIS

PAMELA DUNSTON, Chief, ASCD

DAVID GANZ, Parliamentarian

HYUNG KIM, PAU

TINALOUISE MARTIN, Director, OM

ASHLEY MIDDLETON

DAVID MUSSATT, Director, RPCU

JULIAN NELSON, ASCD

KERIE SCURRY-BURNS

MICHELE YORKMAN-RAMEY, ASCD

COMMISSIONER ASSISTANTS PRESENT:

JOHN K. MASHBURN

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

ALEXIS FRAGOSA

NATHALIE DEMIRDJAIN-RIVEST

YVESNER ZAMAR

STEPHANIE WONG

A G E N D A

P-R-O-C-E-E-D-I-N-G-S

(10:01 a.m.)

INTRODUCTORY REMARKS

MR. BATES: Good day, and welcome to the November 2024 special brief in. Today's conference is being recorded. At this time, I would like to turn the conference over to Chair Rochelle Garza. Please go ahead.

CHAIR GARZA: Wonderful. Good morning, everyone. This briefing of the United States Commission on Civil Rights comes to order at 10:01 a.m. Eastern Time on November 15th, 2024 and takes place at the Commission Headquarters at 1331 Pennsylvania Avenue, Northwest, Suite 1150, Washington, D.C. 20425.

Good morning, everyone. I'm Chair Rochelle Garza. Participating in person for this briefing are Vice Chair Nourse, Commissioner Adams, Commissioner Gilchrist, Commissioner Heriot, Commissioner Jones, and Commissioner Magpantay. And I believe on the phone if you can confirm you're present, I believe we have Commissioner Kirsanow.

COMMISSIONER KIRSANOW: I'm here. Can you hear me?

CHAIR GARZA: Yes, loud and clear.

Wonderful. Will the court reporter conform for the record that you are present?

COURT REPORTER: Yes, present.

CHAIR GARZA: Okay. That was an affirmative from the court reporter. Mr. Staff Director, will you confirm for the record that you are present?

MR. MORALES: I am present.

CHAIR GARZA: And welcome, everyone, to our briefing entitled the Federal Response to Teacher Shortage Impacts on Students with Disabilities. Today's briefing brings together essential voices to address the critical issue of teacher shortages and the impact this has had on students with disabilities, an issue that is even more urgent in the wake of the COVID-19 pandemic. So I want to thank you, Commissioner Gilchrist, for proposing today's topic, one that holds deep personal meaning for me as an individual.

This topic resonates with me not only because my parents were both public school educators but because of my oldest brother, Robby. My brother Robby experienced a brain injury during childbirth that led to profound lifelong disabilities. He couldn't walk, talk, or see. But he knew our voices

and he felt our love.

I saw firsthand the challenges that our family faced in ensuring that Robby had access to the education he deserved. My family had to advocate persistently, fighting for equipment and basic accommodations, including a wheelchair lift that he needed to get to school. I watched my parents tirelessly insist on his right to a quality education, a life of dignity as countless other parents do every single day for their children with disabilities.

My parents' persistence led to Robby's enrollment in a public school that provided an appropriate environment for him. And he was very lucky to have some incredible special education teachers until he passed away at the age of 23 in 2003. Today, the persistent shortage of qualified special education teachers has stood in the way of meaningful support for students like my brother.

Teacher shortages have long existed. But the COVID-19 pandemic exacerbated these gaps, leaving even more students with disabilities without the critical support that they need. For students like Robby and for countless others across the country, a shortage of teachers means not only inadequate education but often a denial of their fundamental

rights.

This shortage is harmful to students from all backgrounds, but especially those who are from vulnerable communities who are already facing systemic barriers to equitable education, much like the community that I was raised in, rural, mostly Latino community with a large Spanish speaking population on the Texas-Mexico border. Today as we examine the impact of these shortages, my hope is that we deepen our understanding of the challenges that families face and the systemic obstacles that stand in the way of educational equity. When we fail to provide these students with adequate support, we fail to uphold the principles of fairness and justice and education.

Our mission must be to provide students with disabilities the same access, support, and opportunities as their peers from the very beginning, not as an afterthought. The Commission is dedicated to advocating for policies that protect students' rights to ensure access to free appropriate public education in an environment where they can thrive. I look forward to the insights and solutions that will emerge from today's discussions as we work toward a more equitable future for all students.

We have a very full agenda with four

panels that will discuss the following. Our first panel on public education in the -- is addressing public education in the post-pandemic era. The second panel explores education advocacy discussion for the teacher shortage.

And Panel 3, we will hear from educators on the teacher shortage. And last but certainly not least, we're going to hear directly from people impacted by these shortages. Following the conclusion of the hearing, the Commission will accept written comments until December 16th, 2024.

So I'd like to thank all the individuals who will join us today on this critical topic. Your testimony will help us fulfill our mission to be the nation's eyes and ears on civil rights. And finally, I'd like to thank the Commission staff, including our special assistants, the Office of Civil Rights Evaluation, General Counsel, our technology team, and all of the individuals that have made this briefing substantively and logistically possible. So I'm going to turn the floor over to Commissioner Gilchrist, the Lead Commissioner on this report, for some remarks.

COMMISSIONER GILCHRIST: Thank you, Madam Chair. And let me thank all of you for being here with us today. I too want to take a moment to thank

my fellow Commissioners for their support on this very important topic.

I also want to take a moment to thank all of the staff and special assistants that work to really get us to be where we are here today. And I want to thank Thomas, my special assistant, for not only keeping me in line with this but working diligently to have this hearing and briefing for us today. As we gather here, we are confronted with a pressing challenge that not only affects the quality of education but also helps to shape the future of countless students who depend on tailored support and inclusive environments.

Unfortunately, teacher shortages have become an increasingly prevalent concern across our nation, exacerbated by factors such as rising burnout rates, inadequate resources, and demands for specialized education and students' behavior. For students with disabilities who often require more personalized attention and specialized instruction, the consequences of this shortage can be particularly severe. From limited access to quality teachers and essential services to disruption in the educational continuity, these students face unique hurdles that can hinder their academic progress and social

development.

I've personally witnessed and assisted parents as an advocate in individual educational programs meetings that I've attended and quite frankly have been disturbed by how many of these meetings disregard and disrespect the power of parents and the power that they should have. We all understand that teaching is a hard job. I know. I've been married to an educator for 30 years.

But today we are fortunate to have four distinguished panels of experts who will share their insights, research, perspectives, and lived experiences on this critical issue. Together, we can explore the multifaceted implications of teacher shortages, its impacts on students with disabilities, and discuss potential solutions and highlight innovative practices that can mitigate these challenges. Our goal is simple.

It is not only to raise awareness but also to inspire action and to foster collaboration among educations, policymakers, parents, and community members to ensure that every student regardless of their abilities receives the quality education they deserve. And so, again, I want to thank you for this opportunity today. I want to thank the panelists for

being here today, and I look forward to the testimony. Thank you, Madam Chair.

CHAIR GARZA: Thank you, Commissioner Gilchrist. I'm going to now turn us over to our briefing with a few housekeeping matters. During the course of testimony and the question and answer period, I caution all speakers including our Commissioners to refrain from speaking over each other for ease of transcription and to allow for a sign language translation.

I'd ask that we allow for any individuals who might need the sign language translation to sit in the seats with a clear view. For any member of the public who would like to submit materials for our review, our public record will remain open until December 16th of 2024. Materials can be submitted by mail to the U.S. Commission on Civil Rights, Office of Civil Rights Evaluation, 1331 Pennsylvania Avenue, Northwest, Suite 1150, Washington, D.C. 20425 or by email.

The email address is teachershortage@usccr.gov. During the briefing, each panelist will have seven minutes to speak. After each panel presentation, Commissioners will have the opportunity to ask questions within the allotted

period of time.

I will recognize Commissioners who wish to speak, and I will strictly enforce the time allotments given to each panelist to present his or her statement. And unless we did not receive your testimony until today, you may assume we've read it. So you can summarize it and we will appreciate that you do so, so you can make the best use of your seven minutes. And please focus your remarks on the topic of our briefing.

I ask my fellow Commissioners to be cognizant of the interest of each Commissioner to ask questions. So please be brief in asking your questions so we can move quickly and efficiently through today's schedule. I will step in to move things along if absolutely necessary.

Panelists, please notice a system of warning lights that you have in front of you. When the light turns from green to yellow, that means two minutes remain. When the light turns red, you should conclude your statements so you do not risk me cutting you off. So my fellow Commissioners and I will do our part and keep our questions and comments concise.

And so now we're going to turn to our first panel, Public Education in a Post-Pandemic Era.

Let me introduce our speakers that we have for this panel and the order in which they were speak. We have Tuan Nguyen, Associate Professor, University of Missouri, William Trachman, General Counsel, Mountain States Legal Foundation, Eric Hanushek, Paul -- wait, sorry, Amanda Levin -- did I say that correctly. How do you pronounce your name?

DR. HANUSHEK: Hanushek.

CHAIR GARZA: Hanushek. Okay, I'm so sorry. Eric Hanushek, the Paul and Jean Hanna Senior Fellow from Hoover Institution, Stanford, University. We have Amanda Levin Mazin, a senior lecturer, Teachers College, Columbia University, and Jessica Levin, Litigation Director of the Education Law Center. And I believe I switched the two of you, so Mr. Trachman will go after Mr. Hanushek.

So I'm going to ask each of you all to raise your right hand to be sworn in. Will you swear and confirm that the information that you are about to provide us is true and accurate to the best of your knowledge and belief? Wonderful. So we're going to go ahead and start with Professor Nguyen. Would you please begin?

PANEL 1: PUBLIC EDUCATION IN THE POST-PANDEMIC ERA

DR. NGUYEN: Good morning. Dear Committee, thank you very much of the opportunity to speak here today about teacher shortages, the implications they have for students, and what can be done to address these issues. I'm Tuan Nguyen, Associate Professor at the University of Missouri.

My expertise is in the teacher labor market and education policy. Since the pandemic, there have been countless stories about teacher shortages across the country. In many states, there are thousands of vacant positions, teaching positions that were posted but never filled.

For instance, there were more than 5,000 vacant positions in Florida in the 22-23 school year. In the 23-24 school year, there are at least 40,000 vacant positions across the United States. By all counts, this is a conservative estimate.

In response to these vacancies, states have issued thousands of emergency and provisional licenses or fill positions with short and long-term substitute teachers. Some states like California have lowered the teaching requirements and certifications, ask parents to assist and put the National Guard in the classroom. In short, thousands of classrooms are taught by these underqualified teachers, those who are

not licensed to teach who are teaching in subject areas where they do not have expertise.

Many of these underqualified teachers have little to not training in how to teach or they do not know the subject matter. The most recent data suggests there are at least 400,000 underqualified teachers in the United States, 400,000. This is more than 10 percent of the existing teacher workforce.

Contributing to these staffing challenges, we also have seen a substantial increase in teacher turnover, a remarkable decline in the supply of new teachers. After the first year of the pandemic, teacher turnover has increased by 40 to 50 percent. At the same time, enrollment in teacher preparation program has dropped from 700,000 in 2020 to 400,000 by 2020.

While the regions of the country where student enrollment has declined and teacher layoffs may happen at the end of this year, by and large, most states are experiencing increased turnover and decreased teacher production while there are acute vacancy and underqualification challenges. What are the effects of these shortages for schools and students? Well, first, teacher shortages negatively affect students.

Student learning is negatively affected when teachers do not have good teaching skills or subject matter expertise. We have years of evidence that students learn less from new teachers who are brought in to replace more veteran teachers. And they learn less when teachers do not know their subject matter very well.

A teacher who knows only up to Algebra 1 is unlikely to do a good job of teaching pre-calculus. A teacher who does not know how to read IEP or how to teach students with a range of disabilities is also unlikely to be able to do a good job. Second, teacher shortages are also detrimental to schools in districts.

Replacing a single teacher can cost thousands of dollars per teacher. Moreover with schools having to hire underqualified teachers, this will add to the cost because underqualified teachers are more likely to leave than qualified teachers. The constant churn also means that schools are less able to establish norms and practices that are more favorable to student learning.

Then they also have to spend resources to replace the short-term hires. While these teacher staffing challenges have broad implications for the

entire public education system, they also have specific implication for special education. First, even though we know the extent of the teacher shortages nationally, there are two main limitations.

One limitation is that there's poor data infrastructure such as the lack of a national database that collect information on teacher shortages. What we know about teacher shortages nationally largely come from my work and my team in our annual effort to collect and validate this data and make this data publicly available at www.teachershortages.com. And our limitation is what we know about teacher shortages nationally are not specific to special education.

The federal government collects information about teacher shortage categories. And almost every state has indicated they have special ed shortages. But there's no information on the magnitude of the special ed teacher shortage.

In other words, we do not know whether it's 10 special ed teachers we need for a state or whether it's 1,000. Knowing there's a shortage, it's not particularly helpful if we do not know the extent of the problem. The first step in addressing these teacher shortages generally and in special ed specifically would be to create a data infrastructure

that would allow rapid collection of teacher labor market challenges.

This will create a national database where states make job postings and qualification data promptly available at least once a year. This will allow researchers and policymakers to figure out the extent of the shortage problem. This is particularly meaningful when we're trying to get the necessary details needed to make informed policy decisions.

Some of the key things we need to know are how many teachers, what kind of specialty training are needed such as special ed or stem, where they're needed, and what type of schools have more shortages than others. We have to be strategic and purposeful when we think about what type and how many teachers we need. How do we incentivize them to teach in a certain environment at rural schools and economically disadvantaged schools?

And how do we support them so that they will stay? For special ed specifically, we need to fully fund IDEA, raise the special education teacher's salary, diversify the teacher workforce, and improve working conditions for special ed teachers. IDEA has never been fully funded since its inception, and that needs to change.

Districts need additional money to increase special ed salary, provide recruitment and retention bonuses, provide additional support to attract and retain special ed teachers. We have robust evidence, years of evidence that salary and working conditions play important roles in attracting and retaining teachers, particularly special ed teachers. Moreover, the academic long-term outcomes of students of color improve when they have teachers of color.

Yet even though the number of students of color with disabilities is increasing over time, the number of special ed teachers of color is not increasing proportionately. Much more resources and intentionality have to happen so that the number of special ed teachers of color is representative of the students of color with disability within they teach. In sum, with the rise of teacher turnover and a decline of teacher supply, teacher shortages have become more pronounced in many states and districts.

And they are detrimental to schools and students. We need to invest in data infrastructure such as a national database I mentioned in order to craft targeted policy solutions that would diversify, recruit, and retain teachers, particularly special ed

teachers. Thank you very much for your time and attention.

CHAIR GARZA: Thank you so much, Professor Nguyen. And just a quick PSA. Can folks check their devices and make sure that they are turned off so they're not dinging while our panelists are speaking?

We're going to go ahead and move on to Mr. Hanushek. Working on it. Please proceed.

DR. HANUSHEK: Thank you, Madam Chair. Thank you and the Commission for having me testify today. In my opinion, this is a really critical time for U.S. education.

And it's particularly critical for disadvantaged students as measured by poverty, by race, by language, and in particular by special education as Member Gilchrist has pointed out. In order to put this into context, I wanted to quickly talk about what the pandemic did to our schools because we have to view the current shortage in terms of that pandemic. I'm going to just summarize my testimony which you've seen which is also a summary of more detailed work that I think I supply to the Commission on this topic.

The bottom line is that learning across the board fell precipitously during the pandemic and

it has not recovered. The schools have not gotten back to where they were in March of 2020. The losses of learning are serious and they're most serious for disadvantaged students.

And we have to address those problems within the context of teacher shortages that have been exacerbated by the pandemic. You all know what happened with the pandemic and the closing and reopening and so forth of schools. Various school systems were closed for over a year.

We now have pretty consistent evidence on what was the magnitude of the loss that was suffered in learning where loss is compared to what we would expect given what previous students had gained. The National Assessment of Educational Progress, NAEP, provides us consistent estimates of learning both in 2020 before the pandemic and in 2023 after the pandemic. And if we look at just eighth graders that are 13-year-olds in math in 2023, NAEP tells us that they are nine NAEP scale points lower than they would've been -- what we would expect on the basis of 2020 evidence.

And so people look at nine scale points like the local newspaper here ran an article and says, oh, it's only nine scale points. How could that be

very serious? Well, I want to point out that it is extraordinarily serious.

Nine scales points on NAEP translates into a loss of lifetime earnings to every student who is in school of six percent. Think of this as a six percent income tax surcharge on everybody who is in school during the pandemic. For disadvantaged students, we see that the losses are probably or on average nine percent.

And this will stay with them unless we do something about it immediately. For the nation, it amounts to a loss -- a lower quality workforce in the future because of less skills in schools. This translates into 31 trillion dollar loss in GDP or equivalent to, like, six times the total loss from the 2008 recession.

Now this response to schools of the federal government was to give 192 billion dollars to schools. This went largely for facilities, a little bit for remedial programs. And as they see in the disaster of Chicago, some went for permanent salaries even though the money ended last September 30th.

What we found out is that the efforts that have been done have not been sufficient and have not on a national scale even got us back to where we were

before in terms of the pace of learning. So what do we do? Well, the one thing that we know is we have to do something quickly.

The only way to deal with this problem for pandemic students is to get them while they're still in K to 12 schools. And already 19 million kids have left the K to 12 schools. Another 2 million have left the private schools over the assigned period and are lost for life, I think.

But if we deal with the problem with teachers is the only way we know how to do it, quality teachers. And here we run into shortages. We know about the shortages my colleague mentioned before.

There are two things that I want to mention about the shortages. One is shortages are more severe in some areas and in some geographies. They are much more severe for math and science teachers, for language teachers, for special education teachers, and for effective teachers.

The second thing we know is that these gaps, at least since we've had data, have persisted forever. There's a book on my bookshelf called teacher shortages and teacher salaries dealing with math and science teachers. It has a publication date of 1962.

We have to pay and provide incentives to the people that we need, the effective teachers in these specialty areas. Now the thing we can't wait by giving salary increases to everybody and hope that we get new teachers in the future because we've lost this entire generation. So what we have to do is provide incentives to the large existing supply of current specialty teachers, effective specialty teachers.

That means that we have to pay them more or provide more support for them so that they can progress. Now this often is -- people say, well, that's too hard. You're talking about that.

Let's just give overall across the board salary increases. That will do nothing. That will do absolutely nothing. You have to, in fact, pay where the scarcity is.

If you say it's too hard, you are agreeing to six to nine percent income losses for this generation, more severe for special education by the way. We just have poor data on the performance of special education, but undoubtedly more severe. And you're willing to accept 30 trillion dollar national loss. This is where the Commission can, in fact, make a strong, important statement.

CHAIR GARZA: Thank you so much. We're

going to go ahead and hear from Mr. Trachman.

MR. TRACHMAN: Thank you to the members of the Commission. My name is Will Trachman. I serve as General Counsel of Mountain States Legal Foundation in Denver, Colorado.

MSLF is a 501(c)(3) nonprofit impact litigation firm which was founded in 1977 to protect and defend constitutional rights and to ensure adherence to the rule of law. I joined MSLF in January of 2021 after serving for over three years under Secretary Betsy DeVos in the Department of Education's Office for Civil Rights. I also current serve as Vice Chair of the Colorado State Advisory Council for this body.

Prior to joining OCR, I worked as General Counsel of Douglas County School District which is a school district about 30 miles south of Denver, Colorado. As I interviewed for that role as General Counsel, I learned that the school district was actually involved as a defendant in a prominent civil rights case called Endrew F. v. Douglas County School District. The case had already been adjudicated in the District Court and at the Tenth Circuit Court of Appeals in favor of the school district.

But now the U.S. Supreme Court had granted

certiorari to review what legal standard was underpinning those rulings. The question was what standard a school had to meet in order to satisfy the requirement under the IDEA providing every eligible student with a free and appropriate public education. Before the Endrew F. matter, some circuits had ruled that the standard as low as merely more than de minimis.

Now many of the parents in Douglas County don't speak Latin. But you can imagine how the standard of merely more than de minimis goes over with parents. The case became a prominent one.

And while DCSD always maintained that it was aiming for much more and providing much more than the lowest standard allowed by law, here the school district was a respondent in a Supreme Court case where a student and his family were challenging that standard. A tax rolled in against the school district, including ones that I perceived at me personally for being in-house counsel of the school district. And I say all of this not to reject those criticisms because honestly I understand them.

Even my further boss, Secretary DeVos, publicly criticized the low legal standard. And I am a strong believer personally in high expectations and

in being bold and ambitious. In an 8 to 0 ruling with Justice Scalia's seat being empty, the Court unanimously rejected the more than de minimis standard, articulating a demanding standard that an IEP must be reasonably calculated to enable a child to make progress appropriate in light of a child's circumstances.

So what is the lesson of the Endrew F. story? One lesson is that as busy as parents are, they pay attention to their kids and the school district where their kids attend. Another is that they pay attention to the broader issue of educating students with disabilities, even to the names of the very people signing legal documents before the courts.

And finally, it shows that parents are paying attention to what is said here today before this Commission. So I'm appreciative of the opportunity to testify. Unfortunately, there are no easy solutions to long-term problems in many places in the education world.

While we can never solve a challenge permanently like a mass teacher shortage, we can at least focus on setting up the right conditions to match student needs with educational resources. I'll point out a few obvious economic principles in this

context. First, like every labor pool, the market for teachers is, in fact, a market.

There are employers who offer up terms and there are applicants who decide whether or not to apply for work based on those terms. I've already heard from my co-panelists the idea of the need to pay teachers more. Employers are, of course, constrained by budgets most notably and state and local laws and the need to balance priorities like classroom space with enrollment numbers.

Employees for their part are not monolithic. Nearly every teacher places a high value on the rewarding nature of the job. Special education teachers, of course, are no different.

But that can mean that phenomena like severe inflation can impact teachers especially because state and local budgets will have difficulty matching the economic impact of inflation. In other words, if inflation is 8 or 9 percent even if a teacher receives a 3 or 5 percent raise, that is essentially a pay cut. We've also heard about the impact of the COVID-19 pandemic.

Obviously long-term school closures impact the morale of a teacher who isn't able to provide services directly to their students or to be present

in the school, in the building itself. There are also numerous ways of making the job of a special education teacher less satisfying and less attractive, more paperwork, more discussion of training surrounding onerous legal compliance duties, more cumbersome meetings, more documentation, more time outside of the classroom and away from a student. Perhaps even more pressure from the Office for Civil Rights in Washington, D.C. peering over your shoulder or embarking on new regulatory packages that will impact your work, including large and dense guidance packages.

These are the types of process-based measures that may sound in good intent. We want to make sure that, of course, that all teachers are obeying the law but which disincentivize teachers from taking roles as special education professionals. And while there are, of course, instances where teachers fall down on the job, the dynamic relationship of a special education teacher and a student generally cuts against that.

With all due respect to my former PE teachers and math teachers, the closeness of a teacher working with a student with a disability is unique. The investment of time, emotion, and energy are likely

to be extraordinary. And yes, I do agree, such teachers deserve higher pay compared to other colleagues.

But they also deserve an opportunity to do their jobs. Paperwork does not make a child grow. Bogging teachers down with meetings and tests and paperwork do not make children grow.

And documentation and compliance duties do not make children grow. More focus is needed on maximizing the amount of time that a teacher can spend with a student. And more time is needed on improving morale because when teachers talk about the heavy burdens associated with paperwork, that has downstream consequences on morale.

So it's fine to diagnose problems. I'm appreciative of the fact that everyone here has diagnosed some problems. But in order to solve these problems, we actually have to think of careful solutions. And throwing money at the problem and hoping it gets better is not one of them. Thank you.

CHAIR GARZA: Thank you so much, Mr. Trachman. We're going to go ahead and hear from Dr. Mazin. You can proceed.

MS. MAZIN: Thank you. I'm Amanda Levin Mazin. I'm a senior lecturer and practicum

coordinator of the programs in special education with a focus on intellectual disability and autism at Teachers College, Columbia University.

My role as a teacher educator preparing special education teachers began 20 years ago. Prior to this work, I was a classroom teacher in Washington Heights in what is known as a non-public school in New York City meaning that I was not an employee of the New York City DOE but my students had IEPs that were governed by the New York DOE. I taught in a self-contained classroom seven stories down from sea level.

I'm a certified special education teacher and a board certified behavior analyst. For the past 20 years, my scholarship and practice has focused on preparing special education teachers in the knowledge and skills needed to increase self-efficacy and decrease teacher burnout. This task has become increasingly more challenging after COVID.

A confluence of factors including devaluing the teaching profession have led to a decrease in the number of candidates in preparation programs and the number of special education teachers in classrooms. This has significantly impacted access to referrals and special education services for students with disabilities. Interest in a career in

teaching has declined nearly 40 percent since 2010.

So this is not a COVID issue. This is just exacerbated by COVID. As of July 2024, there were less than 600,000 pre-service teachers meaning that in college preparation programs, there were less than 600,000 people who wanted to be teachers nationwide.

K to 12 teachers earn an average 68,000 dollars a year which is 8 percent less than any other field. Most states require a master's degree. In the U.S., 17 percent of teachers hold a second job and 36 percent are paying off their student loans.

This information and the fact that we are rooted in a factory model for teacher education meaning we go through a process and we put out a sprocket hurts our students, especially those with diverse learning needs. High attrition rates are related to dissatisfaction with teaching, continuing with variables ranging from salaries and working conditions, including lack of decision making input. High teacher self-efficacy is a real problem.

It is linked to a series of positive student outcomes meaning that when teachers feel like they are doing better in their job, they do and students do better. A heightened sense of self-

efficacy on teachers translates to better outcomes for our students. It leads to high teacher persistence and motivation and stronger beliefs in inclusive practices.

A teacher's sense of preparedness is also related to long-term commitment to the field. Teachers who complete less extensive preparation programs report a sense of lower preparedness and express less of a commitment to remain in the field of special education. Research shows that special education certification is directly related to the learning outcomes of students with disabilities.

Student teaching experiences of teacher candidates can be linked to the achievement of students even after they enter the workforce. Preparation and mentoring must be part of the process because it has an impact. To be a certified teacher, a candidate must complete approved and accredited programs, and this is important.

The largest issue is a lack of qualified, certified, and prepared special education teachers in schools. Contributing to this issue are factors such as a lack of interest in education, low pay, and a lack of respect for the work that special education teachers do. A focus on administrative duties, many

of which are holdovers from the 2001 law, No Child Left Behind.

This all leads to lower self-efficacy and burnout, resulting in higher teacher turnover. Teacher issues are student issues. Higher class size, violations of faith in IEP, underdiagnosis, and delayed classification are directly related to the lack of special education teachers.

More specifically, issues with curriculum, academic support, and accommodations in modifications can be attributed to a special education teacher shortage meaning that students are not getting the services they are entitled to. This is a pervasive issue exacerbated by decreased professionalization and the mental health effects of COVID. Learning loss is significant, especially for students with disabilities.

My recommendations include increasing recruitment, to scale up programs that are already in existence, most that a funded by OSEP, the Office of Special Education Programs. Those programs are not just in New York. They are in every state.

The largest preparation programs are in Florida and Tennessee and Kansas. And those are funded by the Department of Education. Collaborative

and innovate pre-service programs where we allow teachers to form professional learning communities that'll carry through, through their induction, university-based and district-based support for new teachers, in-service mentoring, continuing education and professional development to keep teachers current in the field and valued, and then finally, support for teachers' mental health.

COVID had an impact on the efficacy of a special education teacher and the feeling of worth. So supporting a teacher's mental health will go a long way to keeping teachers in the field. Thank you.

CHAIR GARZA: Thank you so much, Dr. Mizen. We're going to go ahead and proceed with Ms. Levin, if you would like to go ahead and begin.

MS. LEVIN: Good morning and thank you. My name is Jessica Levin, and I'm the litigation director at Education Law Center, a nonprofit organization that pursues justice and equity for public school students. Advocacy for students with disabilities has always been central to our work.

And in my own career, I have represented numerous students with disabilities and seen the dire impact that lack of resources has on schools' ability to meet their needs. It is from my decade of

experience as a special education and civil rights attorney and spending the last five years focused on the threat that private school vouchers pose to public education and civil rights that I can tell you the so-called school choice proposals made by others testifying before this Commission are in no way a solution to the special educator shortage or to any other challenge public schools and their students are facing. To give students with disabilities the high quality education they deserve, we must vigorously protect their legal rights under IDEA and other key laws and ensure schools have sufficient resources to fulfill those rights.

Vouchers actively work against both these goals. I've submitted lengthy written testimony supported by extensive citation. Today, I'll highlight a few points.

And because I've now heard and read the other testimonies, I am compelled to respond to a few of the most harmful proposals. You've heard from experts here on the contours of the special educator shortage. It's both persistent and urgent, even more so because it's also an issue of racial and economic justice as schools serving high numbers of students of color and economically disadvantaged students are most

likely to hire underqualified teachers due to the shortage.

There are many important elements to educating students with disabilities. But none are possible without sufficient resources. Research shows that adequate and equitable school funding is essentially to ensuring all students have access to a high quality public education.

There's largely agreement on this panel about the need for adequate wages and bonuses to attract more teachers to the profession and other resources that will make their jobs more manageable. However, the solution proposed by Professor Hanushek of simply incentivizing teachers to take on greater workloads isn't a tenable solution as researchers found that overwhelming workloads are a major factor in special education attrition. We need resources to hire, train, and retain more teachers, yet too many districts face chronic and severe funding shortages.

The latest edition, excuse me, of Education Law Center's National School Funding Report found vast disparities in per pupil funding levels persist. And many states lack the fiscal effort that is require to adequately fund school. The federal government has a crucial role in protecting the rights

of students with disabilities.

Radical proposals like eliminating the Department of Education which enforces federal special education laws or key federal funding programs like Title I or IDEA would have devastating consequences for students in nearly every school district. Even now, the federal government is falling short of its commitments to funding for students with disabilities. As we've heard, when Congress enacted IDEA, it promised to provide 40 percent of the average cost of special education.

But IDEA funding has never come close to that and is usually below half. Lack of funding causes shortages in staff and other resources for students with disabilities as well as cuts to resources for general education students when funds are shifted to meet special education mandates. If we follow facts rather than ideology, it's clear that investment in evidence backed programs in our public schools is the key to providing students with disabilities the high quality education that they deserve and that is their legal right.

We must find the political will at all levels to finally make these investments across the country. School privatizers have a different plan.

They claim voucher programs are intended to help the highest need students obtain a better education than in public schools.

But there's an ever mounting body of evidence that vouchers harm students, particularly vulnerable students such as those with disabilities in numerous ways. Some voucher programs are specifically targeted to students with disabilities like those Mr. Trachman has advocated while others are ostensibly open to all. But the dangers are the same.

The laws that govern voucher programs are notable devoid of meaningful, quality, or accountability standards, many having few to no curricular requirements, teacher degree or certification mandates, or requirements to provide testing data that can be compared to public school results. But the data we do have on academic outcomes for voucher students is dismal. Part of the mandate of this panel is to examine the effects of COVID on education.

But research shows the negative educational effects of voucher programs are on par with what the COVID-19 pandemic did to test scores and larger than Hurricane Katrina's impacts on academics. Vouchers don't solve the problems COVID cause. They

double them.

Moreover, students who use vouchers lose most of their legal rights under special education and disability laws. These students give up their legal right to receive the specific programs and services necessary to make adequate progress which they're entitled in public school. Students using vouchers also lose IDEA and Section 504 protections against unfair discipline and intraschool segregation.

I know that Mr. Eden on the next panel suggests in his testimony that we are not disciplining students with disabilities enough. But these legal protections are essentially to ensure that we are not punishing children for behaviors caused by a disability nor excluding them rather than providing necessary supports. Parents also lose, excuse me, rights in voucher programs to receive notification, provide input, and seek judicial remedies regarding their child's special education.

Finally, Title II of the ADA does not apply to private schools, and even Title III's lesser protections do not apply to religious schools. So under federal law, voucher students with disabilities are not entitled even to basic accommodations like accessible entrances, desks, and toilets. And parents

are often not made aware of the loss of these rights.

A seminal GAO report found that 83 percent of those using vouchers specifically for students with disabilities were in a program that provided either no information or misinformation about changes in rights. In fact, many private schools, including those eligible to receive vouchers, have policies that discriminate against students with disabilities. Some refuse to admit them while others made clear they won't provide services.

Often, parents take a voucher but find there is no private school willing to accept their child. Or they use a voucher, discover their child isn't receiving proper services, but they have no legal recourse to challenge the school and the student returns to public school but has fallen behind. Additionally, vouchers frequently don't come close to covering the full cost of private school tuition and this issue is magnified for students with disabilities.

Whereas public school provide for free things like transportation, books, and special education, such key resources often must be purchased separately by families using vouchers. Vouchers don't make education cheaper as some have implied. They

simply shift cost to families.

Mr. Butcher on the next panel advocates giving families the IDEA money that would be spent on their child to try to find the services themselves. But this has all the same problems that I've described. Many states' voucher programs now cost hundreds of millions or even billions annually.

Diverting limited public dollars to pay for vouchers exacerbates public school underfunding, at the same time, concentrating higher needs students like students with disabilities in private schools. So in conclusion, voucher programs leave public schools which are the cornerstone of our democracy with even fewer resources to serve a higher needs student population. Thank you very much.

CHAIR GARZA: Thank you very much, Ms. Levin. And thank you to the panelists. We're going to go ahead and open up to questions from Commissioners. Commissioner Jones, you're recognized.

COMMISSIONER JONES: Thank you, Madam Chair. And many thanks to my colleague, Commissioner Gilchrist, for conceiving of this topic. It's so timely and important for the nation.

And thanks to the panelists for their written testimony and their oral testimony today.

It's been brilliant. And I'm looking forward to future panels.

I would like all of the panelists to answer this question starting with Mr. Nguyen. Of late, there has been a high profile proposal to eliminate the Department of Education. It is one that we ought to take seriously. And starting with you, Mr. Nguyen. I would like to know what impacts the elimination of the Department of Education would have on teacher shortages and our disabled student population.

DR. NGUYEN: The elimination of the Department of Education will do serious harm to the teacher shortage and particularly for our students with disability. The Department of Education is largely responsible for making sure that we follow the laws and to divest funds. And if we don't have Department of Education to oversee what we're doing in terms of teacher certification, provide state support, then we're going to have a free fall in terms of who we're going to put in the classroom.

And years of evidence have shown that when states don't have a mandate to make sure that our teachers are licensed and qualified, they'll put anybody they can in a classroom. And that will do

serious harm to our students. Teachers need to be trained.

Teachers need to know how to teach and they need to know the subject matter. I was a math teacher for seven years before I came back to do graduate work. And I know that it's not only a matter of knowing what mathematics is about but also how to communicate that and how to deliver that information. If we do not have standards, we do not set requirements for what it means to be a teacher. I think that will do serious harm to public education and particularly for our most disadvantaged students.

DR. HANUSHEK: I don't think eliminating the Department of Education would do much. It mainly disburses appropriated money. Those disbursements would go to some other department, maybe a new HHS or something. HEW, we could return to HEW.

I think it's largely a political statement about how much we want Washington to be intruding in state education policy. And that's a matter of some debate. The biggest concern I would have would be that we would jeopardize the collection of data that was talked about before by putting it in some other place.

And it would jeopardize the now quite

underfunded research element of the Department of Education. And those would be the things I would be concerned about. And other than that, I think it's a political statement that you can either get behind or not about how much you think the federal government should be involved in the local education policy.

COMMISSIONER JONES: Can I just follow up on that? So your assessment that the elimination of Department of Education would not do much harm to our disabled student population presumes that funding currently distributed by the Department of Education to local school districts would continue but would be distributed from some other department? Is that --

DR. HANUSHEK: Absolutely. That's the bottom line. Congress is the one who decides on appropriations. And they would just redirect who in the executive branch is in charge of these appropriations so that I don't think it has any obvious impacts on IDEA funding or other funding.

Now there might be -- if it gets disbursed for the attention of a broader department like a remade HEW, it might not get as immediate of attention. And the Secretary of Education who has an important in sort of the bully pulpit might be a little bit watered down if it was someplace else. But

in general, the actual funding I don't think is a matter of what Congress decides.

COMMISSIONER JONES: So it sounds like you still envision a federal role in education. We can move on to Mr. Trachman.

DR. HANUSHEK: Absolutely.

COMMISSIONER JONES: Yeah.

DR. HANUSHEK: There's no doubt about that.

COMMISSIONER JONES: Which is what the Department of Education is supposed to do. Mr. Trachman?

MR. TRACHMAN: Thank you. I should say that Mountain States Legal Foundation doesn't advocate one way or another. We do impact litigation. We do, however, have, I think, seven or eight pending OCR complaints with the U.S. Department of Education and litigation out of the District of Kansas where we are suing over the Biden/Harris Title IX, the effect of which if we're successful would be to restore the 2020 Title IX regulations that were issued by the U.S. Department of Education.

So I think the instinct to make political statements like we ought to get rid of the Department of Education is borne out of the idea that the

Department of Education has been around for two generations and yet we still have a status quo that everyone on this panel says isn't satisfying, that we still have a delta between where we are and where we want to be. And so the blame goes to identifiable sources like a federal bureaucracy that is designed to improve outcomes and isn't having the desired effect. Now I agree with my colleague that a lot of this question depends on what replaces a Department of Education.

If you're merely moving the Civil Rights Office to the DOJ and the Special Education Office to HHS and you're block granting things to the states, a lot of the impact of what happens is going to be revealed through those details which I don't believe any proposal have spelled out so far. So I'll demure on the idea of what would actually happen. But I agree with my colleague that it is not going to happen that there's no federal role in special education whatsoever.

MS. MAZIN: The main issue is going to be access and equity of educational opportunities. Without a large governing body, there's going to be no regulation on who gets what. For the disparities that already exist in educational opportunities for

students not only with disabilities but students who are marginalized for other reasons will be exacerbated.

There is no more -- there will be no more guarantee of basic educational rights which is really what IDEA, Title I, and other aspects of the Department of Education really provide. Where I see the biggest issue honestly is the funding that goes to colleges and universities that prepare special education teachers. I mentioned in my testimony there are these big centers that are funded by the Department of Education.

Without that funding, the dissemination of information will stop. The availability of funds and incentives to have qualified persons to become teachers could end. Centers of research, centers of practice and policy within colleges are to me the biggest issue because then we stop the pipeline. We have no more special education teachers.

MS. LEVIN: So I agree with many of the points that have been made about the importance of the department. And eliminating it would be no just on a practical level extremely harmful, but part of an attack on institutions that protect civil rights in this country. States are incredibly important actors

when it comes to providing public education.

And it is in state constitutions that the right to public education is found. But it is in federal law that the core of special education rights are found. And the Department of Education and the experts within it play a crucial role in enforcing those civil rights for students with disabilities across the country.

When it comes to funding, we've heard about funding distribution through the DOE. The DOE is not just a passthrough. The DOE has expertise in the complicated distribution of those funds and the enforcement of the civil rights guarantees that go along with them. There's also the Office for Civil Rights within the Department of Education, extremely dedicated civil servants who enforce and remedy infractions of the rights of students with disabilities and other vulnerable students like English learners, low income students across the country. And so this is an incredibly dangerous proposal, both on a practical and symbolic level.

CHAIR GARZA: We have one question on this side, and then we'll go back over here. And then I also have a question. So Commissioner Adams, did you have a question?

COMMISSIONER ADAMS: Yes.

CHAIR GARZA: Go ahead.

COMMISSIONER ADAMS: Thank you all for coming to this. I confess this is not my area of expertise. So there's some terms I wanted to ask about, Ms. Levin, in your testimony. I was hoping you could fill the record in with what some of these mean. IDEA, I-D-E-A, does that ring a bell? I'm not sure -- what is that?

MS. LEVIN: The Individuals with Disabilities Education Act --

COMMISSIONER ADAMS: Okay.

MS. LEVIN: -- which was passed by Congress in the '70s.

COMMISSIONER ADAMS: What is curricular requirements? What do you mean by that?

MS. LEVIN: So I mentioned curricular requirements when I spoke about private school voucher programs and the state laws that establish them being devoid of many types of quality and accountability standards. So what I mean by curricular requirements there are that in most of those laws, there are very few to know specifications about what curriculum students must receive in a private school.

COMMISSIONER ADAMS: What is a school

privatizer?

MS. LEVIN: What I mean by that is those who advocate private school voucher programs. So advocate sending public dollars to private school voucher programs or to pay for private educational expenses.

COMMISSIONER ADAMS: You said anything should be evidence backed. What do you mean by that?

MS. LEVIN: I mean that we should base government policies on research and solid research findings from validated research by experts. That's what I mean by that.

COMMISSIONER ADAMS: And last, behaviors caused by disability. You didn't catalog what that means.

MS. LEVIN: So in the IDEA and Section 504, there are protections for students with disabilities in public schools against unfair or unnecessary discipline that would be caused by their disability and therefore they shouldn't be punished for. So for example, a child who has an emotional disability shouldn't be punished for behavior that might result from that emotional disability. So in the IDEA and other laws, there are protections. Like, if a student is suspended from school for a certain

amount of time, then they will have what's called a manifestation determination hearing to determine whether that behavior was caused by their disability and therefore doesn't warrant punishment.

COMMISSIONER ADAMS:; That's all I have. Thanks.

CHAIR GARZA: Vice Chair Nourse?

VICE CHAIR NOURSE: Thank you very much to this very distinguished panel. And again, I am a teacher but I have no expertise in this field. When I say I'm a teacher, sometimes people say that they think I've taught 3rd graders and 4th graders and occasionally they act them. But they're law students.

But I want to ask. This is a practical problem. I mean, there are rights at issue and where the civil rights cone in. And I'm happy to hear about the impact about that and you should inform the Commission more about the rights aspect. I'm happy to deal with that. That's what I do for a daily living.

But I want to hear about the economics. Okay? We have an MIT PhD on this panel. And so this seems like a very practical problem, right? Where's the money going to come from?

We all want disabled students to have a quality education. This came from Bob Dole after all.

This is a bipartisan issue. So states and localities fund schools through property taxes.

And people don't want to pay property taxes. So where's the money going to come from? So we have had a guarantee which is not fully funded or never has been through IDEA.

And so my question is, number one, do you have any innovative ideas about where the money is going to come from? Two, do you have any position on whether Congress should eliminate the IDEA funding? Mr. Nguyen? It's for all of you. Let's start with Mr. Hanushek.

DR. HANUSHEK: Well, where does the money come from? It comes from a readjustment of where we're spending. There's no doubt in my mind that the federal government has a funding role in both poverty and through Title I funding and for special education through IDEA funding.

There's no doubt that the federal government has an appropriate role there. Most of these programs are funded at the state level, not at the local district level where the property taxes are more relevant. And that is also appropriate because you do not want to put extra cost on local districts just because of randomness of where special education

students are located.

And you don't want to encourage people moving to avoid those costs. So you fund it at the state level. The short run problems that I talked about which are different than long run problems come from readjusting the workloads of people and paying -- having -- it turns out if you have a slightly higher pupil-teacher ratio, you can fund a lot of incentives because that has such a huge impact. And the research doesn't suggest that having a slightly higher pupil-teacher ratio would have much impact on any learning that goes on so that you could easily fund it all in that way.

VICE CHAIR NOURSE: Mr. Nguyen?

DR. NGUYEN: Well, I do agree with Eric here that -- about the funding mechanism. I think ultimately it is what we as a society care about in terms of public education. While it does matter that if you do increase the teacher-student ratio, you can have more flexible money to say, for instance, pay or merit pay program which have been found to be effective in raising test scores and things like that.

At the end of the day, what do we care about in terms of public education? What do we as a society think about how much teachers should be paid?

Yes, on one hand, we should make strategic investment in terms of higher salary pay for, like, say, STEM teachers or special ed teachers.

That for sure is needed because we have years of evidence that when we don't do that, we don't recruit enough people into the profession. But I think there's also a moral argument about how much teachers should be paid. Having a 30,000 dollar salary for teachers isn't enough.

That's why so many teachers have second jobs to make ends meet. They have to moonlight, and that should not be the case. I think we as a society have to decide how important is public education to our society and pay teachers accordingly because it matters that people care about the profession, right?

Since 2010, 2015, the prestige of the teaching profession has dropped precipitously. In addition to that, we see that the number of people enrolled in teacher prep program has declined. So it's not just a matter of increasing specific pay for special ed teachers or STEM teachers. We also have to care about what the profession means and what it means to society.

VICE CHAIR NOURSE: So I assume you mean that you don't think that Congress should eradicate

that?

DR. NGUYEN: I do not think so, no.

VICE CHAIR NOURSE: Yeah, yeah, okay. Mr. Trachman?

MR. TRACHMAN: So I go back to my remark that it's a market. There is a supply and a demand. And obviously, I think there's consensus on this panel that special education teachers deserve a billion dollars a year, right?

Your question is, where would that come from? Now I've tried to make the point that it's not just about the money. It's about trying to make the job more attractive.

So maybe that's a school trying to draw teachers in by saying there are better mentorship opportunities. Or there's a principal who knows about IDEA requirements and says, I understand what you're going through and I'm sympathetic and I want to work with you in order just to avoid the problem of, well, we wish we had more dollars. We don't know where those dollars are going to come from.

So hopefully, you don't burn out this year, right? I think many of us have mentioned the idea of burnout. And money is nice. But no matter how much money you're making, if you're burned out,

you're burned out.

And just generally, I would say that focusing on how we're going to get the money answers one problem. But it ignores the broader problem which is that it's very hard to be s special education teacher. And the fact the paycheck is going to hit your account every two weeks doesn't take away the day-to-day stress of the job. And the more you can reduce onerous regulations and cumbersome oversight from the federal government, the better it's going to be to be a special education teacher. And parental choice can play a big role in having parents decide where the best environment is for their students.

MS. MAZIN: Teachers don't go into teaching for the money. Incentivizing a percentage of a low amount of money is not going to make a difference. Changing the ratios for a special education class, I taught in a 6 to 1 to 2 class. I had six students, myself and two assistants, and we were still understaffed.

So increasing the number of students with disabilities in a class is going to cause an increase in burnout because we don't have the resources within the schools to assist those teachers. It's not a long term solution. It may be an economic solution.

But practically, I don't see how it would happen. The history of IDEA is parent choice because students with disabilities or learners with disabilities were institutionalized prior to 1975. And it was a horrible, horrible time.

Parent advocacy led to IDEA. And it is still a very big component of it. Within the public school education system, parents have rights. But those rights will end also if IDEA ends because it's part of that process.

MS. LEVIN: So thank you for the question. There are, of course, economic realities. But when it comes to education and serving children with disabilities, there are higher principles than economics, our moral and legal obligation to fulfill their rights to an education. And so we need to conform our economic priorities to those higher principles.

And if I had ideas about where to get the money, most education funding comes from states and localities. Only about 10 percent comes from the federal government. But that 10 percent is crucial to the most vulnerable students, like, those with disabilities. And we need to do even more as I mentioned, fulfill that 40 percent promise in IDEA.

So the federal government should not eliminate the IDEA. Dr. Mazin put it so eloquently that before the IDEA was passed, students with disabilities and many people with disabilities in our society didn't have the opportunity to be fully integrated in our society. And IDEA gave that to students with disabilities.

And of course, we hear a lot about parental choice and parental rights now. The IDEA is one of the strongest laws that we have on the books to give parents a voice in education of their children because they know best their child with disabilities. And they need to be a key piece of that process. They will not have that without the IDEA.

CHAIR GARZA: Sorry. I know that Commissioner Gilchrist has a question. I kind of wanted to bring it back to the students, back to the communities. I mentioned in my comments when I opened this up that I'm from a rural community.

The public education system was the number one employer of my county -- of my city. I have numerous aunts and uncles and cousins and family members that work as public educators, high school, elementary school, special education. And I wonder -- I know that the COVID-19 pandemic really exacerbated

a lot of the inequities that you saw.

Students that didn't have access to broadband, that was something that was persistent in my community. Students who didn't have a private space to take calls and showcased the very real challenges that they had at home and led to bullying later on, I think, once they went back to school. And I can't help but think how this has really deeply impacted students with disabilities.

And disability is a spectrum, right, learning disabilities all the way to some pretty profound disabilities like what my brother experienced, right? And I just want to hear from the panelists and your thoughts on what are the solutions here. If you could bring us home and talk to us about what does this look like to support students with disabilities, understanding that this is going to impact the most marginalized if we don't continue to fund IDEA if the Department of Education goes away, if we don't have these safeguards.

So I just want to hear from the panelists about that. And then if you can talk a little bit about how COVID has exacerbated these issues. I'd like to start with Professor Nguyen.

DR. NGUYEN: So I want to answer that

question. But also in response to this idea that Mr. Trachman brought up about teacher working conditions and how we can improve those type of things. When we talk about having a principal who knows IEP or being able to improve working conditions and reduce stress and burnout, a lot of those still goes back to resources.

Do we have funding to, say, get substitute teachers so that teachers can visit classrooms or share -- split time and work together? A lot of it does come to having resources to do that kind of thing. I don't think it's a simple thing to do, say, to reduce teacher workload or to improve teacher working conditions without having the resources to, say, train principals so that they know more about IEPs so that other gen ed teachers know about how to work with students with disabilities.

Training, time, all of those things come down to resources. So having enough resources to do things matter. I don't think it's a simple as saying, hey, we can do more with less. That's n to going to work. That's not going to work at all.

So in terms of, like, whether or not we have enough funding for rural communities, like, in terms of broadband issues and how that affects

students, it's hard to see how you can get rid of those issues or change them without having the resources to do so. During the pandemic when school districts aren't able to provide resources for students, they just get sent packages home. And that doesn't help students learn, right, particularly a student with disability. They aren't able to just get a sheet of paper and learn from that material. Having resources matter so much for all students.

DR. HANUSHEK: So first, I'd like to say in response to Commissioner Jones, IDEA doesn't go away once you eliminated the Department of Education unless you had special separate legislation to do away with IDEA. So there's no doubt in my mind that IDEA has been extraordinarily beneficial for special education students in the sense of ensuring better opportunities for people who have various needs. I don't think IDEA has been perfect because it emphasizes procedural matters much more than it emphasizes performance and outcomes.

And I think that IDEA could be improved. But the funding is most necessary because these people have special needs and require extra resources. It turns out that the extra resources are very important.

I don't think that this is the place to

discuss the overall funding and use of resources. We had 192 billion dollars of federal aid to deal with the pandemic. And as best we can tell, it got minimal outcomes. It did minimal good.

Maybe that means that we should have another 192 billion dollars. But it would help to have a little bit of evidence on how we want to use it. So I think that I would leave my statement there, that we need the funding. We need to make the working conditions better for all teachers, special education maybe more than others. And that's the bottom line.

COMMISSIONER JONES: Thank you, Madam Chair. So as an initial matter, the American Rescue Plan Act kept a whole bunch of school districts from having to fire many thousands of teachers and other staff persons. I can speak to that quite intimately as someone who voted to pass that law and then brought a lot of money into my school districts in the 17th Congressional District of New York.

But to the earlier point you made, isn't it true that laws mean nothing unless they're actually enforced? And so when I think of the IDEA which at least the other panelists have referenced as being underfunded, never at the 40 percent level that was promised at the time of enactment. And also the fact

that at the Department of Education you have people with the expertise as Ms. Levin said to actually enforce these laws. Isn't it a bit disingenuous to suggest that if you were to eliminate the Department of Education that things would still be fine under the IDEA?

DR. HANUSHEK: I think we need a legal opinion here. And maybe Mr. Trachman is better at that. But I personally think that the federal government should have a larger responsibility in special education funding if I think about how we fund our schools.

And the overall level I think is important. The enforcement of the requirements of IDEA is important but could be improved by a redirection of some of the specific aspects of IDEA. But I think that we don't disagree.

CHAIR GARZA: I'm going to move on to Commissioner Gilchrist. I know that he has a question, and we are running close to time.

COMMISSIONER GILCHRIST: Yeah, so I have a lot of questions. And hopefully, I'll have an opportunity to ask these a little bit later. Do we have anybody from the U.S. Department of Education that's going to be here today? Sorry? There is

testimony?

COMMISSIONER JONES: They were invited.

COMMISSIONER GILCHRIST: But they're not here.

COMMISSIONER JONES: They've declined to come.

COMMISSIONER GILCHRIST: I absolutely find it unconscionable that we're here having a conversation about the role of education for students that are receiving IEPs, 504s, special education and the Department of Education is not present. And Madam Chair, I have a number of questions I want to ask today. But --

COMMISSIONER ADAMS: But if I might --

COMMISSIONER GILCHRIST: Go ahead, Commissioner.

COMMISSIONER ADAMS: Chair, so just to be clear, they were invited and didn't come. Is that correct?

MR. MORALES: I believe they were sending interrogatories. But yes, they were invited to attend and they declined.

COMMISSIONER ADAMS: Okay. This has been happening -- Commissioner Jones had a witness who once didn't come to something from the agency. Doesn't

this Commission have subpoena power?

MR. MORALES: They do, and the Department of Justice would be the one to serve --

COMMISSIONER ADAMS: Am I the last person who was subpoenaed by this Commission? Has anybody in the last 12 years been subpoenaed -- 14 years?

MR. MORALES: Yes, there's a process to it.

COMMISSIONER ADAMS: Yeah, but am I the last one was my question, sir?

MR. MORALES: I'm not aware that you were subpoenaed.

COMMISSIONER ADAMS: Oh, I was. You must not have read my book.

MR. MORALES: I probably wasn't the staff director at the time.

COMMISSIONER ADAMS: You weren't.

COMMISSIONER GILCHRIST: But Madam Chair, I do want to complete my sentence because I do think it's unconscionable that we're having this conversation and they're not present. And if we do have the ability to utilize our subpoena power, this should be an issue where we should do that. So I know in the essence of time, we need to wrap up.

But I want to ask the panel just one

question. We've talked quite a bit about funding and pay for teachers. I'm a former county administrator some years ago.

And so I have the ability to be able to look at tax money that went to fund public education and local communities. What I was always astonished by was the amount of money that I was spending as a county administrator for folk at the district office and never enough money to be sent to the classroom. I saw astonishing salaries that would come from folk at the district office that we didn't know what the hell they were doing.

And yet none of this money went into the classroom. And so when I hear this conversation about, oh, we just need more money, I think we need to reprioritize how we're spending money as it relates to public education in this country. And I know that we -- Madam Chair, we're close to time.

But I did want to ask one other quick question to Dr. Hanushek about the pandemic. How did the U.S. compare to other countries as it relates our education performance during the lockdown? I'm just curious to know your thoughts about that.

DR. HANUSHEK: We have international testing that places the U.S. in the middle of the

developed countries basically before the pandemic. During the pandemic, a dozen countries actually did better after the pandemic than before partly because they were on a better trajectory and partly because the parents were much more involved in some countries than others. We were about the middle of the losses of the pandemic by the international testing in math and science so that instead of being in a position to climb in the scale of international which I think is extraordinarily important for the country in the long run, we stayed where we were.

COMMISSIONER GILCHRIST: Thank you, sir. Madam Chair, that's all I have.

CHAIR GARZA: Okay. We are close to time. I do want to thank the panelists for your testimony. I think we will be hearing from three more panels today. And I look forward to hearing conversation grounded in really about protecting children because that's what this is about and ensuring that the civil rights of children with disabilities are respected.

So thank you very much, panel. We're going to take a ten-minute break. And we will reconvene at 11:32 a.m.

(Whereupon, the above-entitled matter went off the record at 11:22 a.m. and resumed at 11:34

a.m.)

CHAIR GARZA: All right, good morning, everyone. We are reconvening at 11:34 a.m. Eastern Time. We are going to proceed with our second panel. We're going to hear from education advocates on the issue of teacher shortage.

Each panelist will have seven minutes to speak. Following the conclusion of your presentation, Commissioners are going to have an opportunity to ask you questions within the allotted period of time. And I'll recognize Commissioners who wish to speak.

I'll strictly enforce the time allotments given to each panelist to present his or her statement. And unless we did not receive your testimony until today, you can assume that we've read it. You can summarize it, you know, but make sure that you use your seven minutes to focus in on the topic of our briefing.

Panelists, please notice the system of warning lights that we have set up in front of you. When the light turns from green to yellow, that means that you have two minutes remaining. When the light turns red, you should conclude your statement, so you don't want to risk me cutting you off. And then my fellow Commissioners and I will do our part and keep

our questions and comments concise.

So in the order in which the panelists will be speaking are Dan Stewart, the Managing Attorney for Education and Employment, National Disability Rights Network; Max Eden, Senior Fellow, American Enterprise Institute; Ariel Simms, President, Disability Belongs; Jonathan Butcher, a Senior Research Fellow at the Heritage Foundation; Brittany Patrick, Senior Policy Analyst on Education, National Education Association; and Julian Vasquez Heilig, Director, Network for Public Education.

And I'm going to ask each of you all to raise your right had to be sworn in. Will you swear and confirm that the information you are about to provide us is true and accurate to the best of your knowledge and belief?

Wonderful, thank you. We're going to go ahead and start with Attorney Stewart, if you would please begin.

PANEL 2: TEACHER SHORTAGES

MR. STEWART: Thank you, Madam Chair and Commissioners. Thank you for the opportunity to present remarks today.

My name is Dan Stewart, I'm a Managing Attorney at the National Disability Rights Network, or

NDRN. NDRN is the national nonprofit membership organization of the 57 protection and advocacy agencies.

I provided more information on the P&A system in my background, so I will skip that in the interest of time. In my testimony today, I offer four main points based on my prior current work. These four points are, first, reasons for the teacher educator shortages; impact on these shortages on students with disabilities; third, U.S. Department of Education efforts to address these shortages, and fourth, potential solutions.

I will spend the majority of my time to discuss the impact on shortages of students with disabilities. I am also noting that, with some exceptions, I will avoid the use of the term special education, as that term may be too general and misleading.

First, much of the research and media attention on teacher and educator labor shortages rightfully identifies and examines the many reasons for the shortages. Today I will highlight those that relate to positive working environment.

And those reasons include being in an environment with poor work culture; not being

supported by leadership; experiencing burnout; not having say over working conditions or decisions; having low or comparatively low pay -- being low on seniority for new teachers means less desirable positions and less stability for employment; seeing private schools taking staff away; and seeing private schools taking students with disabilities away.

It is important to recognize the dynamic that as more private school voucher or voucher-like programs are authorized and funded, the more and more staff go to these private schools. However, students with disabilities are denied attendance or are removed from those schools because of their disabilities.

As a result, these voucher and voucher-like options are simply not available and they're not viable options for students with disabilities. To this effect, I join the prior testimony of Ms. Levin in the prior panel, and I will not repeat that.

Second, much less attention, in my view, has been given to the impact on children and youth with disabilities. These impacts are extensive and multi-faceted. I also want to emphasize that there are more significant impacts on children and youth in rural areas and those who are Black, Brown, and/or poor.

If there are not enough teachers or staff, students with disabilities miss out on services such as speech and language, physical and occupational therapy, nursing services, social work services, school psychology, and other specific supportive services that often prevent negative behaviors.

Students also miss out on access to caring and support of adults, access to trained, highly qualified staff, access to peers with and without disabilities, access to extracurricular and non-academic activities, as well as critical health and safety supports, including medication administration and monitoring.

Parents and educators also less able to communicate. Further, there is less careful and robust implementation of individualized education plan, IEPs, or Section 504 plans.

If a student misses any of these items that I just mentioned, consequences can include poor academic progress, skill regression, behavioral problems, dropouts, school attendance issues, dissatisfaction and less buy-in to a school, and not being able to access the necessary supportive services according to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation

Act.

And when students miss out on multiple areas I mentioned, the negative impact is exponential. We are seeing education deficits of students across the nation. And when students are not able to access schools, schools often move them -- removes those students from school.

And these removal activities consist of but are not limited to formal school discipline in the form of suspensions, removals, or expulsions, informal school removals, access such as early pickup, late drop-off, law enforcement referrals, psychiatric emergency room removals, child protection removals, and many others.

Further, students with disabilities experience restraint and seclusion. We view restraint and seclusion as removals for the simple reason that students in restraint or seclusion are not actually accessing education.

I'm emphasizing that data show that there is indeed a negative disparate impact on Black, Brown, and poor students, especially those in rural areas. In other words, if there are not educators and teachers that are available, there is not really school for kids with disabilities.

Turning toward solutions, the U.S. Department of Education has taken many steps to recognize these impact and have funneled millions of dollars to schools in many urban and rural areas that need and use this money. The Department of Education has the Raise the Bar Initiative, and those resources are available online.

I want to highlight the hyper micro locality of these shortages and these impacts. This point recognizes while there's an undoubtedly nationwide and persistent labor shortage in many fields, these shortages are not new. The shortages vary in scope and type and some schools and states have meaningfully and positively addressed them.

I think it's important to recognize that many schools in different areas have not taken advantage of available resources and that is an essential decision made by the local school districts. If those school districts can focus on accessing available services from federal and state funds, that is an important way to improve school climate and to ensure that kids with disabilities have access to the civil rights of education.

I appreciate the opportunity to speak to this panel and I am happy to answer questions at the

conclusion of the panel's presentation. Thank you.

CHAIR GARZA: Thank you very much, Mr. Stewart. We're going to go ahead and hear from Mr. Eden, if you would please proceed.

MR. EDEN: Thank you so much for inviting me to testify. My name is Max Eden, and I'm a Senior Fellow at the American Enterprise Institute in our James Q. Wilson Program for K-12 Education Policy Studies.

On the heels of the pandemic, media outlets nationwide have claimed that we are facing an unprecedented teacher shortage. But should we trust media narratives on K-12 education? To ask that question these days is to answer it.

So first, let's examine the premise that there even is a teacher shortage. First question: compared to what? Compared to the past? Compared to other countries? No, and no. The student-teacher ratio has fallen substantially over the decades, from 27 to 1 in 1955, to 17 to 1 in 1995, to 15 to 1 in 2021.

According to the OECD, America's primary school classes are smaller than those of Germany, Portugal, Spain, France, and the United Kingdom, amongst others. Unfortunately, the media tends to

define teacher shortages as simply the presence of unfilled job postings.

To see the folly of this, let's compare two hypothetical schools. One has and intends to maintain a 20 to 1 student to teacher ratio. The other has a 2 to 1 teacher to student ration and wants to go to totally personalized instruction. By definition, that school has a 50% teacher shortage and the school with far fewer teachers has no shortage whatsoever.

But excepting the definition of unfilled job postings, the data also does not support that there is a generalized crisis, but rather suggests there is substantial geographic and school-based variation in unfilled job postings. In the 2021-2022 school year, the South Atlantic Region had 13,444 vacancies, whereas the Pacific Region had only 364. So I don't think it's fair to speak of a general teacher shortage.

But is there a particular special education teacher shortage? Now, the number of students with disabilities has increased substantially in the last two decades, about 16%. The number of special ed teachers has increased by about 59%. That's four new special ed teachers for every one new

special ed student.

Rationally, we have never had less of a special ed teacher shortage. But to continue to accept the premise, let's supposes that there is one and ask why. Why are there more students being diagnosed with disabilities, and why aren't there even more special education teachers to look after them?

There are a few hypotheses on the former. Maybe they, you know, students are broadly the same and we've just gotten better at identifying them over time. That's one hypothesis. Another hypothesis, as our next Secretary of Health and Human Services suggests, is it might be downstream of toxins in our food or toxins in our medicine. I'd add another hypothesis, which is that part of the driver could be the Obama-era equity and IDEA regulation, which at least theoretically incentivizes students to over-diagnose White students with disabilities.

Now to the teacher question. Why don't we see more teachers? You know, pay has been stagnant overall across the profession, but that's not because spending has not gone up across the profession. That's downstream of bureaucratic decisions that are made by broadly teachers-union-managed school districts.

In my view, the most likely reason why we don't see even more teachers is misbehavior. When I last testified here seven years ago, the hearing was part of a push to reduce school discipline overall, especially for students with disabilities.

This push, the ultimate committee report, kind of accepted the false premise that students with disabilities are disproportionately disciplined, and that discipline imposes a net harm on them. As a result, schools have scaled back discipline, especially for students with disability. The result? Room clears.

If a troubled student throws a tantrum, teachers must often clear the entire room and let that student have his way with an empty room while other students are in the hallway, rather than exercise restraint, which has come under fire by policymakers in recent years.

I would say there's been a general kind of assault on seclusion and restraint and I would say it's kind of no wonder there's been a 14 percentage point increase in teachers facing physical violence from students, up to 56%, more than of teachers.

One Indiana survey found that of teachers who left their job, discipline was the most highly

cited reason by about 52% of teachers. You know, obviously it's not only these policies. The pandemic has also made discipline behavior a lot worse.

Or you know, I should rather say the response to the pandemic. School closures, which studies have shown was not driven by the science but driven by democratic liberal ideological decisions; masking, which studies have since cast sincere and serious doubt on the actual scientific basis on them; and of the course the constant message that kids were in danger, which was not generally supported by the science.

Living through it, it was kind of like the media, Democratic Party, the education establishment just decided to inflict vicious and irrevocable damage on students, especially students with disabilities, because they could not emotionally regulate their feelings about President Donald Trump. I think this needs to be brought up on every occasion, and people who push for these policies need to be shamed on every occasion.

But it's also possible I'm being a little uncharitable, because it wasn't simply a matter of ideology and belief, it was also a matter of money. Part of the rationale at extending school closures was

that then you would need money to open them.

And that of course was the predicate for the $200 billion or so in federal ESSER funding, which of course was not actually needed to close schools and which has become a kind of running joke in the education policy community over how few guardrails there were and how little we kind of believe that extra money made.

But to the go back to the subject of this hearing, what effect did that federal financial response have on the teacher shortage in special education? I don't know that there's been a clear and distinct study that I would believe on this.

My supposition is that it would have increased the education teacher shortage, because what we saw school districts do by and large was try to staff up in ways that they couldn't maintain fiscally post-ESSER funding cliff. So post most job posting than they would actually be able to fill in the short or long term. So in the short term, I would expect that the influx of federal financial aid increased the teacher shortage.

In the medium and long term, I would expect that it would have had no effect, nor can I reasonably anticipate a politically conceivable

federal expenditure that would necessarily affect the alleged special education teacher shortage.

So with that, I want to thank you for your invitation, and I'm looking forward to hearing from the other panelists.

CHAIR GARZA: We're going to go ahead and hear from Ms. Simms.

MS. SIMMS: Good morning, Madam Chair, Vice Chair, Commissioners, my fellow panelists and guests. I am honored to testify today as a multiply disabled and neurodivergent legal professional, a professor with American University, and the President and CEO of Disability Belongs, a national, nonpartisan, and disability-led nonprofit organization.

My name is Ariel Simms, my pronouns are they/them or she/hers, and I'm a White, nonbinary individual with chin-length red hair wearing a dark suit, a multicolor blue top, and glasses.

Disability Belongs, a national nonpartisan nonprofit, fights stigmas and advocates for the full participation of people with disabilities in society. Led by a majority disabled team, the organization represents the incredibly diverse disability community, comprising approximately one in four people

in the United States.

Disability Belongs addresses systemic barriers and promotes equity in education, media, and employment, working to redefine harmful disability narratives and develop leaders from the disability community.

Teacher shortages, particularly in special education, significantly worsen inequities for students with disabilities. Many educators lack the training to effectively support these students, and the Covid-19 pandemic has exacerbated this issue disproportionately affecting students of color and those from other marginalized communities.

Teacher shortages lead to both under- and over-identification of students with disabilities. Lack of trained educators often exacerbates misidentification of disabilities, particularly for students of color and other marginalized identities, which can lead to disproportionate discipline and a lack of crucial services and support.

This can also lead to the greater use of restraint and seclusion in schools. Restraint and seclusions are used more on students with disabilities, especially students of color. Restraint and seclusion are exacerbated by teacher shortages,

limiting trained staff who can support diverse needs with trauma-informed practices and positive behavioral supports.

The teacher shortage also widens educational gaps, and the pandemic continues to deepen disparities for disabled students. Public school enrollment fell three percent from fall 2019 to fall 2020, while students served the Individuals With Disabilities Education Act, or IDEA, decreased by one percent.

By 2023, IDEA services reached a record 7.5 million students. Teacher shortages have worsened these disparities, leading to classroom consolidations and reliance on untrained substitutes, impacting education quality, and leaving students with disabilities academically, socially, and emotionally behind.

This also leads to inequitable resource access. And we noticed that teacher shortages are more pronounced in under-funded and rural districts, as prior testimony has revealed, leading to greater disparities in educational outcomes for those students.

We've also seen an increased burden on families and the lack of school resources shifts

educational support onto families, increasing financial and emotional stress, particularly for those without the means for this extra support.

We've also noticed reduced access to specialized instruction. In the 2022-2023 school year, about 7.5 million students, or 15% of all public students, did receive special education services under the IDEA.

Specific learning disabilities were the most common, affecting 32% of these students. And the ongoing shortage of trained professionals led to increased caseloads, fewer completed individualized education programs, or IEPs, and reduced access to services.

There have also been challenges in special education teacher recruitment and retention, and this is a longstanding shortage, with 44% of public schools reporting vacancies in 2023. High turnover, driven by job demands, low pay, and insufficient support exacerbates the issues. Schools often rely on underqualified or nonspecialized teachers to fill the gap.

There are solutions to addressing these challenges. At Disability Belongs, we believe that addressing teacher shortages requires accessible

recruitment and hiring processes for educators with disabilities, especially those that represent other diverse identities and backgrounds. This approach fosters a diverse workforce and reduces recruitment barriers.

Strategic planning and programs resources and funding can also drive systematic and sustainable change. Additional solutions, implemented concurrently, could also help address the challenges from teacher shortages and promote more inclusive education for all learners, not just those with disabilities.

First, all teachers should be trained in universal design for learning, or UDL. UDL is an inclusive teaching approach that uses flexible learning environments and technology-driven solutions to support all students, including those with disabilities, even when specialized services are limited.

Second, we need to see a reduction in disproportionate disciple. Schools must promote evidence-based behavioral supports and reduce reliance on exclusionary discipline and police referrals, which disproportionately affect students with disabilities, especially those of color. Robust civil rights

enforcement will also address this issue.

Next, we do argue and support that there should be full funding and implementation of the Individuals with Disabilities Education Act. Enacted in 1975, the IDEA mandates free and appropriate public education for students with disabilities. That remains underfunded to this day.

We also need inclusive education and an investment in resources, training, and personnel to support inclusive education, ensuring that students with disabilities are educated alongside their nondisabled peers where appropriate.

We also need enforcement of the least restrictive environments. States should prioritize inclusive placements and promote co-teaching models to reduce the unnecessary segregation of disabled students.

We also need to enhance early intervention and transition services to support those with disabilities from the earliest stages of life, increase investment in teacher training in inclusive practices, individualized instructions, and meeting the needs of all students, including through behavioral interventions, assistive technology, and digital accessibility.

Finally, we do need greater parental involvement and advocacy support. So to combat the teacher shortage and improve educational outcomes for students with disabilities, we recommend increasing federal funding for special education programs, incentivizing careers in education through loan forgiveness, and state grants for recruiting and developing educators for students with disabilities.

Recruitment must be accessible to disabled individuals to build an education workforce that reflects the diverse student body. Every student, including students with disabilities, deserve access to a high quality education, enabling them to succeed and thrive. Thank you.

CHAIR GARZA: Thank you, Ms. Simms.

We're going to now hear from Mr. Butcher. Please proceed.

MR. BUTCHER: Good morning and thank you, Chair Garza and members of the Commission. My name is Jonathan Butcher, I am the Will Skillman Senior Research Fellow in Education Policy at the Center for Education Policy at the Heritage Foundation.

The number of teachers trained to serve children with special needs is growing. Yet the number and share of children identified as eligible

for special education services is already large and also expanding, creating a challenge for families, educators, and policymakers alike.

Depending on the student-teacher ratio that you prefer, the population of students with special needs is simply outpacing the number of special education personnel available to educate them. Parents and public officials who are seeking answers should look to state-level solutions, including the education choice options that, fortunately for all of these stakeholders, are also increasing in kind and number across the nation.

Furthermore, federal lawmakers can update the Individuals with Disabilities Education Act, IDEA, by giving families more choices over the private services that they can use to help their students, relieving some the pressure on public school administrators to find more educators for children with special needs.

This testimony will review the data on children with special needs and the educators trained to teach them and proposes solutions for helping students and their families.

The population of children with special needs is diverse, and the spectrum of needs

necessitates skilled, dedicated educators for students, along with a variety of learning options from which families can choose. In North Carolina, I spoke with the mother of a young girl who has beta-propeller protein-associated neurodegeneration, or BPAN, a condition so rare that medical researchers had only documented 70 cases when we spoke on 2019. The young lady was thriving in a private school that was able to meet her needs with a one-on-one specialist.

There are children on the autism spectrum learning to speak for the first time in Arizona, and students with Down Syndrome in Mississippi receiving critical one-on-one attention. No matter the obstacles, dedicated parents and their resilient children should have opportunities to succeed in school and in life.

Now, the families I spoke about just now are using private school scholarships, education savings accounts, or account-style options to choose from a wide range of education products and services. Families seek such alternatives to assigned schools because special education is arguably the most litigious sector in K-12 education.

For decades, families have struggled with local district officials to procure treatments and

interventions for children with special needs. The problem persists today. A recent survey of school district special education directors found that nearly half of respondents said that their district is experiencing an increase in conflicts that can't be resolved through IEPs.

School administrators are looking for more teachers for children with special needs because the student population of children, as we've mentioned, is growing and fast. Approximately 15% of students in the U.S. participate in IDEA Part B, the largest part of the federal law governing with special education.

In raw numbers, as has been mentioned already, the figure represents some seven and a half million students. It also represents a nearly 20% increase in children served under IDEA since the 2000-2001 school year. Still, the growth in the share for children with special needs -- I'm sorry, the share of teachers for children with special needs has been remarkable.

As reporter Chad Alderman has documented and was mentioned earlier, the percentage change in special education teachers increased by 59% between the 1999-2000, and 2020-2021 school years, outpacing the growth in K-12 students overall, nonspecial

education teachers, instructional aids, and even special education students.

Still, Alderman reports that 46,000 special education teachers leave public schools every year, while teacher preparation programs are training fewer than 30,000 new ones to replace them. The existing system is not meeting the needs.

The combination of a weak supply line, challenging work requirements, and a sizable and growing population of children with special needs are all contributing to the teaching vacancies. While research helps demonstrate the imbalance between children with special needs and the number of professionals available to serve them, researchers do not have a conclusive explanation for the increase in the children who need to be served.

Finally, any review on the data of school employment would be incomplete without recognizing the disproportionate levels of non-instructional staff in K-12 public schools. Using data from the U.S. Department of Education, my colleague Lindsey Burke reports that since 2000, the number of principal and assistant principals has increased 37%, and the number of district administrative staff has increased 88%, all while the increase in overall teaching staff was

only 8%.

The increase in non-instructional staff between 1992 and 2015 was more than two and a half time the increase than all K-12 students during this period. While the increase in special education teachers has not kept with special education enrollment, again, depending on the student-teacher ratio you prefer, the increase in administrators has far outpaced student enrollment.

To help children with special needs, federal lawmakers should use their platforms to promote state activities that can help fill vacancies. In Indiana, state officials created the Indiana Special Education Assisted Licensure Program, which streamlines the required coursework for teachers to earn full special education licensure. Similar programs exist in Tennessee.

Policymakers should redirect spending from ineffective programs and administrative positions to implements these initiatives instead of requiring new taxpayer spending. Hawaii officials have offered a $10,000 stipend for educators willing to work with children with special needs.

Again, state officials should demonstrate fiscal responsibility by eliminating ineffective

programs and cutting administrative overhead to focus taxpayer resources on instruction as they provide those bonuses.

Finally, in states such as Arizona, Florida, Mississippi, lawmakers have adopted education savings accounts specifically for children with special needs, some of which have since been expanded to include other students. Families can use a portion of their child's spending from the state education budget that is deposited in a private bank-style account to purchase education products and services for their children.

Parents can pay for education therapies, personal tutor, private school tuition, online classes, and more. Research finds that following the inception of these accounts, educators began creating new private learning opportunities for children with special needs.

I'm happy to discuss these and the other solutions I've provided in my testimony. Thank you very much.

CHAIR GARZA: Thank you very much, Mr. Butcher. We're going to now hear from Ms. Patrick. You may proceed.

MS. PATRICK: Good morning, and thank you

for the opportunity to address you today. My name is Brittany Patrick, Senior Policy Analyst of Disability Rights and Inclusion with the National Education Association. I am most proud of being a former elementary special education teacher and school-based director of special education services.

The National Education Association is a professional organization that represents approximately three billion members across 14,000 communities in the United States. We are united in our purpose, championing justice and excellence in public education.

Supporting students with disabilities requires a collaborative and interdisciplinary approach. Today, as I address the impact of the educator shortage on students with disabilities, I urge you to consider not only the shortage of classroom teachers, but also the shortage of other essential education staff, such a paraprofessionals, school psychologists, social workers, and speech language pathologists.

In 2024, 72% of public schools with vacancies in special education experienced difficulty filling the position with a fully certified teacher. This crisis forces schools to stretch already thin

resources and educators to take on increased instructional and administrative workloads.

The excessive administrative demands placed on educators in particular, balancing paperwork, meetings, delivering special education services, and fulfilling routine classroom responsibilities contributes significantly to educator burnout. This cycle not only impacts teacher wellbeing, but also compromises the quality of education for students requiring special education services.

And amid this, teachers are now earning on average 5.3% less than they did a decade ago when adjusted for inflation. It is no surprise that resignation remains the leading cause of teacher vacancies.

In the 2023 school year, students served under IDEA reached a record high of 7.5 million, yet NAEP scale scores for students with disabilities have shown consistent declines since 2012. However, I cite this standardized test with caution, as we acknowledge that standard tests can be incredibly inaccessible, and year after year we have witnesses states grapple with the ongoing challenge to meet the one percent cap on alternative assessments.

To uplift the academic performance and wellbeing of students with disabilities, we must go beyond simply increasing the number of staff. We need qualified, well-prepared and compensated school-based professionals who bring essential expertise.

Additionally, the Covid-19 pandemic has had a profound impact on student mental health, leading to a surge in cases of major depressive disorder and generalized anxiety disorder. More than 6,000 local education agencies responded to this need by devoting school rescue funds to obtain licensed practitioners and professionals to deliver mental health support to students and staff.

Still, data shows an alarming decline in roles such as school-based psychologist. The staffing crisis means that essential in-school services become difficult to access, inconsistent, and less effective, leaving vulnerable students with disabilities susceptible to dropping out, substance abuse, and incarceration.

Equally concerning, students with disabilities are disproportionately represented in the population of students who have received suspensions, expulsions, and referrals to law enforcement.

When students with disabilities miss

school due to exclusionary discipline, the consequences are profound and far-reaching. The lack of sufficient resources, staff, and training exacerbates inequities, as overwhelmed schools may resort to punitive measures.

Last, but certainly not least, although the federal government has pledged to cover 40% of special education costs under IDEA, current funding remains below 13%, leaving public schools to shoulder the shortfall. Privatization further undermines the promise of IDEA by diverting critical resources away from public schools, where most students with disabilities are served.

Parents, guardians, and advocates of students with disabilities are supported by the Individuals with Disabilities Education Act, which provides essential protection to ensure children receive a free and appropriate public education in the least restrictive environment.

If a public school fails to meet these obligations, IDEA offers resolution processes for families to seek remedies. Tragically, when students use vouchers for private schools, they often lose these critical IDEA protections and are not guaranteed the services identified in their individualized

education plans as they would in a public school.

I repeat what was stated earlier, a U.S. Government Accountability Office report revealed that 83% of these families participating in voucher programs are unaware they're forfeiting their rights. Even voucher programs that exclusively serve students with disabilities fail to serve all students with disabilities.

Studies show that these programs tend to exclude students with more serve disabilities. Furthermore, the public, whose tax dollars fund these programs, is kept uninformed due to the lack of public accountability, transparency, and oversight mechanisms.

To genuinely fulfill the intent of IDEA, we must prioritize federal funding for public education. I urge this committee to uphold IDEA's promise and invest in the wellbeing of students and educators to ensure that all public schools continue to serve as the bedrock of equal opportunity and inclusion. Thank you.

CHAIR GARZA: Thank you very much, Ms. Patrick.

We're going to now hear from Mr. Heilig.

DR. VASQUEZ HEILIG: Heilig.

CHAIR GARZA: Heilig.

DR. VASQUEZ HEILIG: Can I have her 15 seconds? Chair Garza, distinguished Commissioners, esteemed colleagues, thank you for this invite. I'm honored to be a founding board member of the Network for Public Education. It's the nation's largest grassroots organization in support of public education. I also serve as Provost and Professor of Educational Leadership, Research, and Technology at Western Michigan.

Mr. Eden presented many hypotheses. Those are his words. As a professor and educator, we teach our students to use data to test hypotheses. So let me address one of his many false hypotheses. Yes, there is a teacher shortage, especially for special education teachers and in rural and urban areas.

Research querying local educators in districts reveal this to be the case. The teacher shortage crisis in the United States has reached critical levels, particularly following the disruptions caused by Covid-19.

In Michigan, where I live, the issue is especially acute. According to recent data from the Education Policy Innovation Collaborative at Michigan State, schools across Michigan report severe staffing

challenges, especially in special education and in urban districts.

EPIC's finding that over half of Michigan report challenges as their top challenge, with the rural and high poverty urban districts experiencing a turnover rate of 25%. This lack of continuity caused by teacher shortages is detrimental to all students, but is particularly harmful to students with disabilities, students of color, and those from low income families, who rely on stability and experienced, credentialed teachers.

When special education cannot fill positions, students with disabilities are left without the support they are legally entitled to, further widening their achievement gaps. EPIC's analysis reveals that teachers is most profound in districts serving the highest need students, making this issue a civil rights concern, as much as an educational one.

As shortages persist, disparities grow, creating conditions that limit students' opportunities. So, how about we talk about some solutions? I'm going to spend the rest of my time talking about solutions.

Mr. Butcher testified that our teacher education programs aren't up to the task. I

respectfully disagree. To address teacher shortages and to improve educational outcomes, particularly in underserved communities, the State of Michigan's Grow Your Own program offers a promising solution.

These programs recruit and train community members, including paraprofessionals and support staff, to become certified educators. This approach fosters a diverse and committed teacher workforce that is more likely to remain in the community and reflect the long-term demographics of the local community.

GYO programs also have the potential to provide long-term solutions to teacher shortages, as they build a pipeline of educators who are deeply rooted in and committed to the communities that they're coming from. So let me give you some data.

The results of WMU's GYO program speaks volumes about its potential to address teacher shortages while improving educational outcomes. Currently, the program enrolls approximately 300 students, including 96 undergraduates and 201 graduate students.

The demographic breakdown shows that we are enrolling, for example, almost triple the number of Latinx students relative to their population in the State of Michigan. So our Grow Your Own Students are

actually more diverse.

Specifically in special education, our new enrollment has been substantial. We have 180 students enrolled in our special education programs this fall through Grow Your Own, with 95 admitted in 23 and 85 admitted this year.

The first cohort of special education students will graduate in December, marking an important milestone as we see to equip Michigan's workforce with the qualified special education teachers.

Additionally, the College of Education and Human Development has achieved a remarkable 30% increase in our enrollment in our college, primarily due to new collaborations with school districts across Michigan. We are now training 1000 teachers on our campus, reinforcing our commitment to preparing a diverse, highly qualified teaching workforce to meet the needs of our communities.

So a few policy recommendations. One, we must continue to invest in public education and teacher prep programs.

Federal and state funding should continue to prioritize public schools and teacher preparation programs, especially those placing educators in high

needs districts. Allocating new resources supporting recruitment and retention and special education addresses these immediate needs while fostering long-term sustainability.

Number two, there's been a lot of talk about private entities receiving vouchers, private schools, charters and also talk in the last panel about what the implications of that are legally for parents if they make bad choice.

And so I think it's very important that these entities have the same standards as public schools concerning qualifications and enrollment practices and accountability for student outcome.

This ensures that they serve a representative population of students with disabilities and students of color and help to prevent selective enrollment practices and malfeasance. And you can just google vouchers and you can see the Disneyland tickets and everything else that people have spent voucher money on.

Expand Grow Your Own programs. Scaling up GYO programs than can address teacher shortage while promoting diversity, equity, and inclusion in the teaching workforce.

This approach to financial support,

mentorship, and flexible certification pathway make teaching more accessible and attractive to a broader pool of candidates, many of whom are already embedded within their communities and have a great likelihood.

So this is an opportunity for us to take our special educations aides, and then they have the resources to become certified special education teachers. So it's also empowerment. I love it.

Four, maintaining rigorous teacher licensure standards. Lowering teacher licensure standards is not a viable solution to the teacher shortage crisis. Alternative certification teachers are less likely to stay in the profession and in the classroom.

In Kentucky, where I was the Dean of the College of Education, the solution to teacher shortages always seemed to be find a new alternative pathway. I think in Kentucky they're up to 12 or 13 alternative pathways. Instead, what we need to do is focus on teacher candidates and supporting them through scholarships, stipends, loan forgiveness, and other incentives.

What I don't really understand is why there's a whole set of folks always in here talking about markets. But when you start talking about

teacher salaries, all of a sudden markets goes out the window. That's always been so confusing to me. It's always about how the experience is instead of shouldn't I be able to pay my bills and my mortgage. Always find that confusing.

Policies must tackle the root systemic issues contributing to teacher shortages and educational disparities, including the funding inequalities. We know that majority White districts receive $20 billion more than majority minority districts. And that's why you see the shortages in certain areas and not all places.

So addressing these structural inequities are essential, and I've got to close fast here. So we need sustainable, community-centered approaches that build a teaching workforce that is representative, skilled, and dedicated. Thank you.

CHAIR GARZA: Thank you so much, Mr. Heilig.

We are going to go ahead and open it up for questions from Commissioners at this point. Is there someone that would like to be recognized?

COMMISSIONER GILCHRIST: Madam Chair?

CHAIR GARZA: Yeah, Commissioner Gilchrist, go ahead.

COMMISSIONER GILCHRIST: Let me thank all of you for, again, being here. I certainly want to thank my colleague from South Carolina, Jonathan Butcher, for being here today. Thank you for excellent testimony.

Wanted to direct my first question to Ms. Patrick for a minute. My wife is a 30-year educator in elementary education. And I want to thank you for your service there.

Walk me through this process, if you will. A child receives an IEP, an IEP or a 504, right. And the accommodation is set on exactly what that particular child is to receive. Whose job is it to implement that accommodation?

MS. PATRICK: The job of educator.

COMMISSIONER GILCHRIST: The job of educator.

MS. PATRICK: The educators.

COMMISSIONER GILCHRIST: In the school?

MS. PATRICK: In the school, correct, which includes a interdisciplinary team of professionals such as speech pathologists, occupational therapists, whoever is cited on the child's IEP.

COMMISSIONER GILCHRIST: And if those

services do not exist within that construct, what would happen?

MS. PATRICK: Typically per IDEA, parents have the ability to file a due process complaint if they're unable to work collaboratively with the school in order to ensure those accommodations are present.

COMMISSIONER GILCHRIST: And they could potentially seek those services outside of the traditional school, is that right?

MS. PATRICK: Using their own independent funds. However, yes, they could, correct.

COMMISSIONER GILCHRIST: And you mentioned that they use their own independent funds for that?

MS. PATRICK: Correct.

COMMISSIONER GILCHRIST: Is that right? Even if it's been a federal, designated a federal 501 or IEP?

MS. PATRICK: Correct.

COMMISSIONER GILCHRIST: Okay. The other thing I heard, I'll ask the larger panel this question, we consistently hear about the need to pay teachers more. And I certainly am a fan for ensuring that that happens.

But I think I would agree with some of the conversations earlier, in the earlier panel, that a

lot of teachers, including my wife, didn't get into teaching because she wanted to make a lot of money, I can tell you that. It was solely because she had a passion for kids and educating children.

I mentioned in the earlier panel that I'm a former county administrator in a local community some years ago. And what I found quite striking, it was my job to recommend to schools how much money we would pay them via the tax base, right, in a local community.

And I was always astonished with the amount of money that we would actually pay people at the administrative offices. It was incredible to me. We would always hear the argument that, oh, we need more money for teachers.

But I would pay -- I would recommend money to the district office for people that were making well over a hundred, two hundred thousand dollars, and we knew nothing about what they were doing and the impact that that was having in the classroom.

Can anybody speak to that? Because one of the things that I keep hearing is, is there a need to begin to think about how we reprioritize money that we're spending in public education from the federal level all the way down to our local level? Anybody

want to speak to that, anybody?

MR. BUTCHER: So the -- how much money is delivered to the education system matters far less than how those resources are used. The amount of money spent on public education has only increased. Any plateaus or temporary declines have been marginal and short-lived.

And that is also true in the case of IDEA and how much has been spent in real dollars on children with special needs.

COMMISSIONER GILCHRIST: Okay, anybody?

MR. EDEN: I would kind of just add to that, as Ms. Patrick mentioned, you know, teacher pay has stagnated or gone down for the past decade. But overall education funding has gone up dramatically, and overall education staffing has gone up dramatically.

And there is an obvious institutional incentive from actors that profit from membership dues to bring in more people and to put in more money, but there is not an obvious incentive from institutions that profit from membership dues to raise the pay of those teachers.

So you have clear reasons for money to flow into the system and very vague reasons for money

to flow into the pockets of teachers.

DR. VASQUEZ HEILIG: I'm sorry, I think we're sidetracked from the real issue here. We're in here talking about what a principal makes or someone in central office, but that's not the real issue.

The real issue is inequity. The real issue is inequity. We know that -- I worked in the Houston School District, okay. That was my first job after I graduated from the University of Michigan.

And so what happened is we would get teachers out of the University of Houston or the University of Texas, and they would teach in our tough-to-staff schools and then they would move on to the suburban schools because they had better pay.

And I think we can't assume, you know, firefighters, police officers, and others, these are service jobs. But we can't assume that teachers don't also need to be well-compensated.

So I think, one, there's an equity issue between districts, which leads to differential pay levels. And so a lot of districts lose their best teachers to surrounding districts. And that's Hanushek, I don't know if he's still here. Hanushek has studied this in some of his work.

So I think that's one thing to say there.

I think it's a complete sidetrack to talk about like -- I think administrative cost is something that's important to talk about, absolutely. But in terms of scale, the differentials between districts of different types and the resources that go to them relative to administrative costs were -- these are not comparable.

COMMISSIONER GILCHRIST: One last question, Madam Chair, if I may, just to follow up on Mr. Heilig, please.

CHAIR GARZA: Just go ahead, follow up.

COMMISSIONER GILCHRIST: You mentioned in your comments about civil rights, education being a civil rights issue. Do you think it's a civil rights issue that kids have to be trapped in schools that they can't get out of and parents are required to keep those children there based on their zip code or whatever?

DR. VASQUEZ HEILIG: What I think is incredibly unfair is that the nicer home you buy in this country, the nicer public school you get. And I think it's important to understand what a full-scale choice model actually looks like.

There are countries that have full-scale choice models. And what actually happens in those

models is that the schools become further stratified. Now, I can give you some homework. You can look at the example of Chile.

But what happens is, is that low income students are then segregated into a certain set of schools because in school choice, schools actually do the choosing because they set the rules of the game. School choice doesn't mean that parents choose.

I can choose to go to University of Michigan, I can choose to go to Harvard. But they also have to choose me.

COMMISSIONER GILCHRIST: Thank you, Madam Chair.

CHAIR GARZA: I do want to -- I do -- there's two thoughts I have in my mind. One, why is the IDEA not fully funded, why is it underfunded?

Because if you are a parent with a child with disabilities and you are trying to get an education for your child, an IEP program, or you're trying to get them the best education that you possibly can with that is available to you, how is it that we are not funding this fully, is my first question.

So I'll leave that, and then I have a second question. So if you would like to start, or

for Ms. Patrick as well.

DR. VASQUEZ HEILIG: So I'll say real quickly. You're from Texas. I used to teach at the University of Texas at Austin. And HEB is a big thing there.

CHAIR GARZA: Yes.

DR. VASQUEZ HEILIG: So here's how we do funding for education. We say I want you to go into HEB, and you have five dollars to feed a family of ten. Now, you figure it out. Instead of saying what's it going to take to feed a family of ten in a healthy way. That's how we do school finance.

We don't ask what it takes to provide a high quality education. We just give you the money and tell you to figure it out. That's how school finance works right now.

MS. PATRICK: Thank you for the question. I would also say that our budget reflects our values. And I think so often in this country, ableism is one of the last isms in the conversation that we have. The needs of individuals with disabilities, who represent the largest minority population in our nation.

And so why have we not fully funded IDEA? Well, it speaks to our values and our perceptions of

individuals with disabilities and the importance of fulfilling their needs.

CHAIR GARZA: Ms. Simms, I'll invite you in.

MS. SIMMS: Yes, I agree with Ms. Patrick. Ableism persists and shows up in every institution and system that we have in this country and around the globe. And we have persistent narratives that disabled people are less than and not fully human, and therefore not worthy of attention, resources, time.

And this is a narrative that many advocacy organizations are continuing to try to address, because it does impact systems, including appropriations and where we put our dollars.

CHAIR GARZA: Yeah, and it's a deeply intersectional issue that cuts across race, gender, you know, socioeconomic status. And yes, I am a Texan, and you know, our state legislature rejected last year school vouchers. We will see what they choose to do this new legislative session.

And I just want to bring this up to the top, which is we have a lot of rural communities in Texas. We have a lot of folks that don't have access to expensive private education, you know, where there are -- the school district is the main provider of

jobs.

And you know, I think about my brother Robbie. He was someone with some really profound disabilities. It's not a learning disability, this is someone who needed physical therapy and care, delicate care. And I worry about students with disabilities not getting the care that they need and not getting the support that they need.

So I'd like to share a little bit more about that point, but I do want to invite you, Mr. Stewart, because you mentioned in your testimony that there are examples of localized approaches that are successful in addressing this issue.

MR. STEWART: Thank you, Madam Chair. And I want to emphasize that when we look at potential solutions, there are those examples of school districts that are doing really, really well by students with disabilities.

And I think that's framed around the notion of a positive school climate, where the resources that the schools put in, not only to educators but to the students, reflect the values of ensuring that kids with disabilities have access to their rights of IDEA and Section 504.

I think that at the root, it is the local

decisions of the leadership as well as the community in which that schools exists that make the success work. And I think there are funding sources, but you also need the will and the commitment, and the notion that students with disabilities have access to the civil rights. And when those rights are not valued or are violated, there is an enforcement mechanism.

CHAIR GARZA: Mr. Eden?

MR. EDEN: I mean, the beautiful thing about education savings accounts vis a vis vouchers, which is kind of school choice 1.0, is that the expenditure is not constrained to an established school, right. So the critique of vouchers in rural areas is reasonably well taken insofar as where are the private schools the kids could go to.

But when it comes to education savings accounts, you get, especially for students with disabilities in many states, weighted funding. So the student can take maybe 15, maybe 30, maybe $50,000 of state funding to a private provider, which can be given in a very personalized way.

And so you rural students who have extensive needs of the sort that Mr. Butcher discussed a few examples of could get extremely personalized and specialized care, getting the full benefit of the

money from the state, rather than that money going to the school, which might only allocate a portion of that money to his or her education.

CHAIR GARZA: And just to follow up on what you're saying, so what would the provider -- where would the provider get training in order to adequately address these issues and support these students? And I'll invite others to respond as well.

MR. EDEN: There are no shortage of private or public providers for issues like dyslexia, speech language pathology, and more specialized things, so they could get that training from a public university, they could get the training from a private provider. And then the parent will evaluate the options and choose one.

I think Mr. Butcher has probably studied more extensively than I have, so he might want to --

MR. BUTCHER: Well, I don't know about that, but I would say that in IDEA, if I'm not mistaken, there is a private placement program when a public system does not have the need for young people, that they can go to a private system. And they would then have the same sort of certifications I think that you're referring to.

COMMISSIONER JONES: Yeah, thank you for

saying that. My understanding has always been that under the IDEA, if a public school district, a public school system, is unable to comply with the requirements of IDEA, then that school district has to pay for that student to then be privately placed for example, where they can get all of what they are entitled to under the law.

Is that correct?

COMMISSIONER GILCHRIST: Commissioner, that's exactly the reason why I was walking through that process just a little while ago.

COMMISSIONER JONES: Yeah, I don't think you quite got the answer --

COMMISSIONER GILCHRIST: No, I didn't, but I know the answer. But exactly the reason why I walked through the process that way, because you're right. That's exactly what the law allows.

MR. STEWART: Commissioners and panel, I just need to add that while that is under -- that is available under IDEA, the private school can reject the students with disabilities. And so if the private school rejects those students with the disability because of their disabilities, that's an illusion of access.

And so there are many examples of private

schools that turn away kids with disabilities, or after they admit them, those students are removed. And there's no due process right for those students to stay in those schools.

And so while there is that mechanism in IDEA, the private school is not required to maintain that student's enrollment. And that is the fundamental flaw of the voucher programs as well as IDEA.

CHAIR GARZA: Hold on, hold on. I'm going to have Ms. Patrick respond to that.

MS. PATRICK: Thank you. So when we talk about private placement in the context of IDEA, we're having a conversation about the least restrictive environment. Selecting or -- when an IEP team decides that they are unable to provide the services for a student with a disability, sending a child to a private placement is the most restrictive choice.

Typically these private placements are only serving students with disabilities. And so IDEA mandates that we educate students in the least restrictive environment, meaning that they should be with their nondisabled peers to the maximum extent possible.

And so it is often a final resort when a

public school has resorted all of their options, their continuum of services, to send a child to a private placement.

COMMISSIONER JONES: Yeah, this is -- we're not saying anything different. I mean, by definition it's a final resort when the school district can't provide the services that the IDEA entitles one to.

I want to be very clear because I think some people may misinterpret what I said earlier. I am not an advocate for these voucher programs.

But the point I'm trying to make is that there is always an option for these school districts to provide the funding for disabled students when and only when those school districts are unable to comply with the IDEA, or specifically what the IDEA entitles one to, in the form of an IEP, for example.

MR. EDEN: May I just add one thing to what Ms. Patrick mentioned?

CHAIR GARZA: Sure, go ahead.

MR. EDEN: Because what -- the account that you gave of the way the least restrictive environments and private placement works is all true and one way to describe it. But it is also true and the incentives also line up that school districts who

are serving students with severe disabilities where they may be eligible for private placement have an incentive to not let that student go.

Because if that student goes, the money goes with them. And so there is an institutional incentive to keep and underserve the student rather than let the student and the money go to a different institution.

So there are two different ways to look at the exact same story. And there is a consistent incentive such, and you know, it can play out this way or that way, depending, but I just wanted to get that converse of the picture she painted out there.

CHAIR GARZA: Would you like -- go ahead.

DR. VASQUEZ HEILIG: Quick response that. That's another hypothesis, not grounded in data. And vouchers are wildly unpopular. We saw Amendment 80 in Colorado go down. Amendment 2 went down in every single county in Kentucky. We're talking Kentucky here. In Nebraska, 435 went down.

So when the public is well-informed on vouchers of all different types, and every time they come up for a statewide test, they've lost.

COMMISSIONER GILCHRIST: Madam Chair, I'll just comment again. And to the comment about parents

having the right. I think one of things that I haven't heard in this conversation, particularly as it relates to IEPs, is what role does the parent have in determining, right, where they would like to have those services and what those services should look like.

I've had an opportunity to attend a lot of IEP meetings with a lot of people, lot of parents as an advocate. And what's always disturbing to me is they say that it's the parent's choice. That's what the law says. And there has to be a committee of folk to make that decision.

Well, every time there's an IEP that I've attended, the majority of the people in the room are educators, not parents or family members. And so when that majority decision is made, it is always made -- doesn't matter what the parents says, because the law says the majority of the people makes the decision.

So it doesn't really matter what parents believe may be a best option. It typically falls within what the committee determines. And most of the time, that is within the confines of the school.

So anyway, I just appreciate the conversation, because I think it's helpful to really air this. But it also speaks to the opportunity to be

able to think differently about what we need to be doing to ensure that we address these issues for students across the board, but more specifically students with disabilities. So thank you.

CHAIR GARZA: Commissioner Magpantay?

COMMISSIONER MAGPANTAY: Yeah, I'm sitting here listening to this conversation. I do appreciate the differences of opinion. I should disclose that I actually went through this process. I have a kid with both ADHD, executive functioning dysfunction and dyslexia.

And I'm intimately, personally familiar with this process. I have tremendous respect for NEA, but I think I do dispute that simply because an out of placement recommendation is made, that this is the most restrictive, that is the most restrictive.

Because students who need the accommodation which the schools cannot provide, and unfortunately do not teach to the student's potential, but often I have observed teaches to the lowest common denominator. And they're under-resourced.

I mean, look, if the schools had the support in special education professionals, great. But they're not there. I think we need to get there. And I do think this current system, as was said,

actually does have benefit for students with learning-based learning disabilities.

So I have to dispute that. I also do think that -- I don't think it's a wholesale solution either. I do think it is quite individualized for the students and the ability of the school to accommodate. And even with ADHD, dyslexia, there are gradations of the level of accommodation, severe versus mild.

So I think the large pronouncements of both sides should be maybe tempered a little bit. But I really do appreciate your service and I do -- I don't actually have a question. But I do need to chime and disclose my own, first of all experience and interest in this. Thank you for your comments.

MS. PATRICK: May I respond?

CHAIR GARZA: Yes, go ahead, Ms. Patrick.

MS. PATRICK: Thank you. So the particular comment related to it being

(Simultaneous speaking.)

MS. PATRICK: -- the most restrictive environment. Yeah, that is not the position of NEA, that is IDEA. So there is a continuum with which an IEP team will make a decision about the placement of a student.

And so the least restrictive, for example,

placement would be a student with a disability would receive a 100% of services in a regular general education classroom and a special education teacher would push in, for example, to that classroom.

And so that least restrictive environment continuum increases in percentage that the student is outside of the classroom. For example, the more time the student -- right, pull out versus push in --

COMMISSIONER MAGPANTAY: Pull out versus pull in. Right, right.

MS. PATRICK: Which you're familiar with. And so that is not the position of NEA necessarily. It is how IDEA lays out the most restrictive environment. Thank you.

COMMISSIONER MAGPANTAY: I would love to hear the --

CHAIR GARZA: So we're hitting time. And I appreciate the robust conversation. I appreciate all the panelists for coming here today.

I know there were some different ideas here, but I think at the center of it is centering the humanity of people with disabilities, especially children, and ensuring that they are treated with dignity, with respect, and ensuring that they get an equal educational opportunity to be participants in

our society and to thrive and to be who they can be. And I appreciate all of you.

So I'm going to dismiss us for lunch. We're going to reconvene at 2:10 for our next panel. Thank you very much.

(Whereupon, the above-entitled matter went off the record at 12:42 p.m. and resumed at 2:11 p.m.)

CHAIR GARZA: All right, welcome back everyone. Thank you for your continued attention to this important topic.

As I've indicated to our previous panels, each panelist is going to have seven minutes to speak following -- I'm sorry. Each panelist will have seven minutes to speak, and then after your presentations we're going to have the opportunity, as Commissioners, to ask you all questions within the allotted period of time.

And I will recognize Commissioners who wish to speak. I'll strictly enforce the time allotments given to each panelist to present his or her statement. And unless we did not receive your testimony until today you can assume we read it. So we appreciate, we appreciate you using your time efficiently and covering the topic of this briefing.

Panelists, please notice the system of

warning lights that we have set up. When the light turns from green to yellow, that means two minutes remain. When the light turn reds, panelists should conclude your statements so you do not risk me cutting you off. And my fellow Commissioners and I will do our part and keep our questions and comments concise.

So in the order in which they speak, the panelists we have present today are Jessica Tang, president, American Federal of Teachers Massachusetts.

Terita Gusby, CEO and founder, Education Prescriptions.

Sepi Seyedin-Elahian --

MS. SEYEDIN-ELAHIAN: Elahian.

CHAIR GARZA: Elahian, I apologize. Teacher, Los Angeles Unified School District.

Beth Ackerman, Senior Vice President, Rivermont Schools.

Tiffany Anderson, Superintendent Topeka Public Schools. So I'm going to ask that each of you raise your right hand to take the oath.

Will you swear and confirm that the information that you are about to provide us is true and accurate to the best of your knowledge?

(Chorus of I do.)

CHAIR GARZA: Wonderful, thank you. We're

going to go ahead and begin with Ms. Tang.

PANEL 3: FROM THE FIELD: EDUCATORS ON THE TEACHER SHORTAGE

MS. TANG: Good afternoon, Commissioners. My name is Jessica Tang and I serve as the president of AFT Massachusetts, an affiliate of the American Federation of Teachers and AFLCIO. I previously served as the president of the Boston Teachers Union, and began my education career in the Boston Public Schools where I was a student and mentor and tutor. And then a middle school social studies and humanities teacher in general education and special education inclusion classrooms.

I'm also an AFT vice president. And on behalf of the 1.8 million members of the AFT, including 25,000 Massachusetts educators, librarians and public school employees, I'm honored to testify about how teacher shortages have impacted the quality of education for students with disabilities and share practical solutions to this issue.

Now how did we get here? Teachers and school staff have been struggling for years with the lack or professional respect. In adequate support and resources, subpar compensation, plus growing student loan debt, an less paperwork and a culture of blame

that weaponized standard tests, standardized tests to attack public schools and educators.

Educators across the profession report untenable workloads. And for example, an under resourced district and understaffed schools teachers are often required to do the job of more than one teacher at the same time. One teacher using three licenses with unmanageable class sizes.

These challenges have existed for years, but recently have been exasperated in unprecedented ways. This last school year 21 percent of public schools reported a shortage of special education staff according to the National Center for Education statistics. The highest shortage rate across all specialties.

In all districts, whether rural or whether suburban, teachers often handle caseloads well beyond recommended limits comprising the quality of services and increasing burnout adding to the vicious cycle where more teachers leave the profession making it even harder for those still in the classroom.

We're also facing shortages of essential support staff such as speech language pathologist, occupational therapist, paraprofessionals and behavioral specialists. Students are not able to

access critical services in a timely way directly affecting their educational and social development. Services are further reduced because of unmanageable workloads.

This has a very real and direct impact on students with disabilities. Many of whom are also students of color, English language learners and multi-lingual learners.

As a caution though, racial categories are not monolithic groups. For example, in the Asian-American community we represent dozens of different languages, cultures and histories with varying experiences and outcomes. More just aggregated data is needed to better understand the disparities including within each racial category.

The shortage of licensed teachers have also led to a mismatch of classroom assignments where teachers are given emergency credentials or put in situations they're not trained for. Because of this the needs of our students are not always aligned with the teachers they have access to.

This is especially true in special education where teachers are responsible for case management, teaching multiple grades, working with general education teachers and aids and incredibly

complex paperwork. Eight percent of teachers who work with children receiving services under IDA are not fully certified.

And districts are trying to increase special education inclusion to improve outcomes for neurodivergent students but don't have adequate staffing to meet the needs of all students, all students in the classroom get less than what they need and deserve.

The good news is that there are solutions to the broader teacher and school staff shortage. In 2022, as a member of the AFT special teacher and school staff shortage taskforce, we held listening sessions, membership surveys, research analysis and interviews with key education experts all around diversity and shortages and how to revitalize the education profession. This is the report here.

Reducing paperwork for administrative and district-wide reports, diversity, diversifying the educator workforce through Grow Your Own Programs, sustained mentoring and other proven programs, lowering class sizes, curbing the nation's test and punish obsession with standardized tests, increasing salary and benefits while shrinking the 20 percent pay disparity between teachers and that of their college

educated non-teaching peers, and public service loan forgiveness and cancelling student debt to ensure those answering the call to teach aren't forced into massive debt while earning significantly less than their peers.

Throughout our work we heard time and time again the educators leaving the profession because of the lack of support they receive on top of their burdensome caseloads and low pay. It's also why we're seeking a lack, seeing a lack of interests among the next generation of teachers.

As outlined in the report, we need to start treating teachers and school staff like the professionals they are with time to plan and prepare for classes, the ability to collaborate, power to make day-to-day decisions and ongoing professional development. These would all be steps in the right direction to deal with current shortages and are covered in greater detail in this report.

Unfortunately there have been efforts to try to address education issues with something that would not only not solve the problem but would actually exasperate them. And this issue has been raised in prior panels. And that is the role of private school vouchers, also known as education

savings accounts, or other names.

And let me be absolutely clear, private voucher schools do not adequately serve students with disabilities, nor do they provide them with the same quality and quantity of services as public schools, including services mandated under a student's individualized education program IEP. Private voucher schools often deny admissions to students with disabilities or to students based on other factors like disciplinary history, which disproportionately effects students with disabilities.

And we've seen students with disabilities have been discouraged or excluded from participating in voucher programs, as this happened unfortunately in charter schools as well. Not all.

A frequent reason why students don't use a voucher is that they're unable to find a participating school with services they need for learning or physical disability or other special need. And D.C.'s voucher program more than 12 percent of the parents who did accept a voucher had to leave the program because their child was not receiving adequate services.

And most importantly, when students are covered by IDEA with an IEP and takes a voucher,

they're considered parentally placed in private schools relinquishing many of the protections provided to them under IDEA.

In a private school these students may not receive all the services they were receiving in public schools through their IEP. And in public schools, if the parents and school cannot agree of the services the students need, the parents have the right to raise their concerns with a hearing officer and take the district to court if necessary.

The parents and students using private school vouchers do not have these due process protections. And supporters of vouchers suggest that it's about parent choice, but for students with special needs this program strips parents of their right to ensure their child is receiving the level of services and education they deserve.

So in conclusion, there are many examples of how we can address the issue of teacher shortages. Our responsibility is to make it happen because our students are depending on us to do so. But it will take a concentrated effort and collaboration from multiple stakeholders to make this happen.

Teachers and the unions who help to elevate our voices and students needs are a part of

the solution. And we are dedicated to reaching this goal and ensuring that we enact the solutions to attract and retain educators who are critical to this goal. And we have to come together to solve it immediately.

CHAIR GARZA: Thank you, Ms. Tang. We will now hear from Dr. Gusby.

DR. GUSBY: Good afternoon, Members of the Commission. And thank you for inviting me to this panel, I feel very honored.

My name is Dr. Terita Gusby and I am the CEO of Education Prescriptions, a virtual education company for special needs children, their parents and caregivers. We are located in Myrtle Beach, South Carolina, with a specialty of teaching autism spectrum disorders, the scope of teacher shortage and how it effects educators.

To understand the gravity of this situation let's first take a look at the numbers. We've heard them before. Crossing the United States alone, the National Educational Association, NEA, estimates that nearly 300,000 teaching positions were vacant this school year. And this shortage isn't confined to just one subject or grade level, it's happening across the board in critical areas like

special education.

In America, educators are simply walking away from the profession leaving schools scrambling to fill positions, sometimes by hiring under qualified or temporary staff. The problem, the percentage of public school students who receive special education services has risen over time. Reached 15 percent in '22, '23.

The increased has been propelled by a number of factors, including better and earlier identification of students who need additional support. That's a good thing. It has also been driven by federal policies such as reauthorizations of Individuals with Disabilities Education Act, IDEA. As well as a better scientific and cultural understanding on how best to serve students who have learning disabilities.

These numbers point to a troubling pattern. Schools have many special education job openings. Without a sufficient talent pool they end up hiring a cadre of young emergency licensed teachers, federal law notwithstanding.

Those teachers are in turn more likely to leave which leaves scarcity. What does that mean? When someone leaves a special education position that

creates an opening.

Since there are a lot of special education teachers, that means there is a lot of special education openings. So how does schools field those positions? In some case they don't. At least not before the school year starts.

So what can be done? Addressing the teacher shortage requires a multifaceted approach. We need to recognize that teaching is a profession and not just a job and it should be created and treated with the respect and compensation that it deserves. This means higher salaries, better benefits and more opportunities for professional growth.

It also means improving work conditions. Reducing class sizes. Providing adequate resources and offering emotional and psychological support for teachers who often work under tremendous stress.

We also need to attract more people into the teaching profession by creating clearer pathways into education. This includes making teacher preparation programs more accessible and affordable offering scholarships, loan forgiveness for aspiring teachers. And creating more supportive environments for new teachers entering the field. And incentives for those who have stayed in a long time.

How about the effects on child? In medicine the Hippocratic oath says, first, do no harm. As educators we must also abided by these words. But there is harm being done when children with special needs don't receive the speech therapy, social skills development or academic enrichment by a trained professional.

It is deemed harmful that without adequate supply to meet demands schools often turn to unlicensed or emergency credential teachers when they have not a clue on what to do when a child is having a seizure, or has decided to perform a marathon run down the hallway in a moment's notice.

There is harm when special education students are placed in mainstream classes with regular teachers who really didn't want them in the first place and who have never been mentored or trained on specific disabilities and accommodations needed to teach these children.

Special education students thrive in routine and constancy of the same environment. Although our students are different in disabilities, intellect and spectrums, there are some unilateral sameness that deals with them. They like daily schedules. They like hands on learning skills. They

like being taught by the same teacher all year. They like small classes for individualization.

How about the roles of educators in addressing the shortage? Now while it's easy to focus on the negative aspects we must also recognize the incredible resilience and dedication of our educators. Despite the challenges, special education teachers continue to show up day-after-day working tirelessly to inspire, guide and nurture the next generation.

Educators are also at the forefront of advocating for change. Many teachers are pushing for better pay, improve working conditions and greater respect for the profession. They're organizing, speaking out and calling for reform.

In the end, the teacher shortage isn't just a problem for educators, it's a problem for the future. However, there is hope. The solution lies in re-imaging how to support teachers, we need to meet and invest in professional development, ensure fair compensation. Or prioritize mental health and well-being for those who are on the front lines.

It's not enough just to recruit teachers, we must retain them and empower them to succeed in their roles. We must make sure that the school level administrators are responsible and supported and

courageous enough to ask for help to fill positions to train professionals in the fields. That college and schools get partnerships together to form, to invite a thread of new teachers hiring for each year.

Someone once told me that when a child is ready to learn a teacher will appear. Our children are here and ready to learn, let's work together to make every child have the opportunity to learn from a dedicated, well supported well paid and inspired special education teacher. Thank you.

CHAIR GARZA: Thank you, Ms. Gusby. We're going to now turn, hear from Ms. Seyedin-Elahian. Sorry. Apologize.

MS. SEYEDIN-ELAHIAN: It's okay. Good afternoon distinguished members of the Commission. My name is Sepi Seyedin-Elahian and I sit here before you today as a very proud public school teacher of 25 years with one of the largest school districts in our nation.

I also have the privilege of being an adjunct professor with the elementary education department at one of our nation's top ranked public universities at California State University, Northridge blending theory and practice in hope of shaping and molding our future educators to

incorporating social and emotional learning, evoking empathy and bring forth social justice into their classroom and in hopes that Robby looking down from above will be smiling down when justice is done.

Currently I'm pursuing my national board certification. And I have to mention that I'm also an author of a children's book entitled Blackersian, which celebrates the merging of two different cultures, Black and Persian, ran through the lens of my beautiful children, Layla and Bijan, who are present today to witness this event.

I am here today in my own capacity bringing my own expertise from the classroom. While inclusion is a must it certainly is absent from our classrooms, and I witness this daily.

It doesn't matter, and it doesn't make a difference how many degrees we have, nor where we received it from. It doesn't matter what we think we know. Unless you're in the classroom day in and day out, lesson planning, working with the students, you can never understand or know the demanding and challenging issues that occur in this profession in my four walls in my classroom daily.

I posture and pose myself daily to make the impacting relationships that will have the power

to change and shape these young minds. To be the best ability and to be the best versions of themselves. But I also do know that I am the exception. Not everybody is there just to work. And some unfortunately are there for the paychecks.

You see, I'm not just a teacher where at times Ms. Elahian is being called on in the classroom. I'm also known as a psychologist, a family therapist, a nurse, a waitress. And yes, I did say waitress because in my district we do serve the students breakfast every single day. And sometimes on occasion I am known as mom on accident because that's the kind of impact I do try to make every single day.

As I unpack and share my personal experience with you deliberating and focusing on the challenges and triumphs associated with the COVID-19 crisis and the disruptions it has created for myself, my students, and even my own children, it is critical to note that this testimony is strictly from the lens of ways that the pandemic related challenges affected my students directly, both at the elementary and at the university level.

I consider teaching my calling with a mission to provide high quality and well-rounded education for all of my students. The nationwide

school closures in March 2020 marked the beginning of a long series of pandemic induced disruptions spread across the past four years unlike any other you've ever seen. Either due to early retirement or resignations or simply just because the levels of stress and anxiety over this worldwide pandemic hit us really difficult.

Many educators that I know of personally left the classroom leading to an unusually high level of vacancies in this great profession of my.

While teaching shortages have hit every state in the country, California has been hit particularly hardest. According to the California teacher association the state ranks at the bottom in the U.S. in the student to teacher ratio.

I have seen firsthand the effects of the barriers addressing this pressing concern. Let me explain. You see, just a few years ago I had 36 students in my classroom of which nine had an individualized education plan pertaining to their special needs and 11 students who were emergency bilingual.

This means that I have 36 report cards, close to about 40 parent conferences, because of the parent situations with custody and divorce. And

contractually I'm only supposed to have 26 to 1.

So to have someone in the ivory tower tell us teachers, who are in the trenches every single day that there are no shortages is dismissive and out of touch. Every day I step into my classroom, either at the elementary or university campus, and I work towards leaving behind a legacy that will leave an impact that reaches beyond my classroom walls.

I have seen the results of these imprints that latched on to the hearts and minds of those that have crossed my paths over the past two decades. And I also know that as someone who has dedicated my entire career to this mission, and as a parent who believes in the power of public education, I strongly urge us today, in advocating for increased funding and investing in quality training, and I've heard this quality over and over all day today, and there is nothing that falls short of this because it speaks volumes when the teacher is in the classroom and they have no idea where to even begin.

We need representation, and together we can build a stronger education system that empower both educators and students. I'm there for the students. And there is an African proverb, the child who is not embraced by the village will burn it down

to feel its warmth. Which really conveys the idea, we cannot just be there for a paycheck.

I leave you with my last thing that I have to mention. Just last year I was invited to attend one of my student's quinceaneras. And amongst 200 people that were at this quinceanera it was mind blowing to me that the parents took the time to ask me to come forth knowing that grandparents, aunts and uncles were there because I helped this one specific student with special needs to bypass and be able to get through the rest of their years and now they were turning 15.

My daughter was present at this. And I tell you, to have that legacy come back, to know that what we do day in and day out in the classroom makes a difference with having 36 to 1 ratio and sitting here before you talking about teacher shortages, there is nothing more than I can state to convey the thoughts that go through this. Thank you.

CHAIR GARZA: Thank you so much, Ms. Elahian. We're going to turn to Ms. Ackerman. If you would proceed.

MS. ACKERMAN: Yes. Good afternoon, distinguished members of the Commission. I'm humbled to be among such amazing people, so thank you for this

opportunity.

I will start by sharing my background in the field of special education to help everybody understand I've had some various roles. And gives a different insight into the crisis facing our students with special needs regarding the teacher shortages in the field of education.

My current role, senior vice president of Rivermont Schools, I oversee 17 schools in the Commonwealth of Virginia with approximately 1,000 students who have emotional disabilities or autism.

I worked for Rivermont Schools early in my career, it was my first classroom actually in the mid-'90s as a special ed teacher, and then became principal. And then I later returned to Rivermont School in 2018 to take the senior vice president position.

I took a stay away from Rivermont School to start the special education, teacher education program at Liberty University. I was there from 2002 to 2018.

In addition to those roles I've been a foster parent to children with special needs. And I have a daughter who has a Section 504 for accommodations in her school.

I want to start with Liberty University prior to COVID because we were already seeing teacher shortages then. Because of, we saw them in special education, science and math. And since our licensure program at Liberty was online and reputable, both accredited and approved by the Department of Education, we had thousands, actually, when I left it was closure to tens of thousands, of special ed majors across the United States and the world.

And our students at the time were able to get jobs before they were fully licensed. They were provisionally licensed teachers. So the shortages were already in place. They would get contracts in the middle of their program.

In addition, some of our teacher candidates in Virginia who majored in special ed were part of high needs areas for receiving grant monies for tuition. And so this has always been a massive challenge to our schools, this isn't unique. And ultimately to our students with special needs, but COVID then exasperated the issue that already existed, unprecedented teacher shortages in special education.

So I still adjunct for liberty university. And I go and speak to their classrooms for kids, for future teacher education in special education. And

their classes are getting smaller and smaller. As a matter fact, our neighboring college, University of Lynchburg, closed their undergraduate licensure program for special education because the continuing decline in students in the major.

This has all happened before the eminent enrollment decline that is expected next week. Next year, excuse me. Next year there is expected a peak of college graduates. So we suspect some of this pipeline is only going to get smaller and the crisis is going to become a greater concern.

So, fast forward. I returned to Rivermont Schools in 2018. One of my goals when I returned back to my home of where I started my K-12 career was a strategic plan of having 90 percent of our teachers be fully licensed in special education rather than these provisional licenses that you've heard my colleagues mention. But then COVID happened.

That created a whole new era of special education. A time where these students with special needs were already struggling in school with their unique needs. No longer receiving the optimized services they are no facing further declines in their learning. And our teachers who already had very challenging jobs working with challenging students

looked like, what it was like to work from home. They went home to work. And it became hard to get them to come back and face their students face-to-face.

But the problems experiencing teacher shortages just became further exasperated. And that goal I had of 90 percent fully licensed teachers became lost. Instead we quickly had to pivot. And we came up with a plan for the exodus we were facing among our schools.

So last year, as a matter of fact, we created our pipeline for special educations by special educators by offering a program for our paraprofessionals in the classroom to take the class at our expense to become provisionally licensed teachers. It has been a successful program that has kept us from having the substitute teachers that many of our colleagues are facing.

But now we're back to having mostly provisionally licensed teachers not being fully prepared to teach out students with special needs. But at least for now we have folks who understand our population as they've worked with them before. And our mission of returning our students to the public schools, or to life, to be productive neighbors in our communities.

This has been successful grown your own program, however, it's important to note that it can take six months to a year to get somebody provisionally licensed as an employee. In addition to that, many of our states, and in the Commonwealth of Virginia, there is a backlog for approving these licenses which can take another additional 16 weeks. And so we wait. We wait for new teachers to be provisionally licensed. And then we have substitute teachers in these positions.

This leads to another hardship that is unique to private schools in Virginia. To be an approved program in Virginia we're unable to open a classroom for the growing demands of students with special needs unless every single one of our teachers is licensed. This has caused some students to be placed on a wait list preventing them from receiving the services that are outlined in their individual education plan.

We frequently hear from the local education agencies, and from families who are in crises, often in tears, that their children are not receiving services a private schools are being held to a standard that is not being currently applied to public schools.

So to give an example. Our school in Roanoke has ten classrooms for 90 students. We have ten students on a wait list. Until we can get 12 fully licensed teacher in this climate we can't bring those ten students to our school.

And then finally, on a personal level, my daughter's resource special ed teacher left the field last year. A teacher she's had for multiple years.

As amazing as these special educators will follow their students for multiple years. A lot of people don't realize that. When you're a special ed teacher you have that same caseload. So unless you have a child with a disability it may be hard to fully comprehend what it means to lose a teacher they've relied on for years and for to be successful.

So now we have a new teacher with my daughter, and it's her senior year. And she is facing unique challenges to having her teacher left last year. So this crisis and teachers leaving the field has hit my family this year.

So there is a crisis facing American regarding quality special educators who can assist our millions of students with special needs. I am hopefully that we can find solutions. I'd be happy to be part of any committee to work towards. Thank you.

CHAIR GARZA: Thank you so much, Ms. Ackerman, for your testimony. We're going to proceed with Ms. Anderson. If you would like to start?

DR. ANDERSON: Good afternoon. It is indeed an honor and pleasure being here. Now, am I loud enough? All right.

I'm Dr. Tiffany Anderson, the superintendent of Topeka Public Schools. The proud superintendent, and the first African-American female superintendent in Topeka, Kansas.

This is indeed a historic moment because it's the 70th anniversary of Brown v. Board. The landmark case that ended legal segregation. So I thank you for this conversation and for having us here.

To give you some context and background, because I certainly bring the perspective of the superintendent of Topeka, Kansas, but I also bring the perspective of the work that I have done over the last 30 years. I'm an educator of 30 years. I have been a superintendent for 20 years. Wonderful to hear Roanoke, having been a superintendent in Montgomery County as my first superintendency. And so I bring to you that perspective.

Serving both in public schools,

traditional public schools and charter schools. And so I'm familiar choice as well.

My comments that I highlight for you today will really be about the impact of the teacher shortage. Not only in Topeka public schools, but certainly across the nation and how it's been felt across the nation on the quality of education for students with disabilities.

It's important to acknowledge that this shortage is profoundly affecting all students, all educators and the broader community. My recent publication in June was a book entitled, the Building Leadership Capacity of Parents. It's impacting parents, as you heard today in the testimony from those that are sitting here at the table. And I'm sure as you'll hear from other testimony moving forward.

This impact for all of us is one that continues to grow. And I'll give you some examples of what that looks like.

The departure of teachers from the profession is a global issue not just confined to the United States. Research shows that from statistics in 2016 underscored the need to recruit approximately 69 million teachers worldwide.

We know by 2030 in order to recruit that and to maintain educational sustainability and effectiveness that there have to be new and different kinds of strategies. These new recruits are necessary to alleviate the shortages and this expertise for special education.

And according to the United States Department of Education, all 50 states, all 50 states have shortages in special education. And so when you think about this gap and the impact not only on special education, but also general education, and it becomes not only a gap in the school system, but it becomes an economic prosperity gap as well.

At the heart of the shortages the immediate impact on students, particularly those with disabilities, overcrowded classrooms to ensure students are placed with the special education teacher now becoming the norm, it can significantly reduce the individual attention disproportionately affecting students with disabilities. The lack of teachers leads to deprivation of essential personal support crucial for meeting the diverse needs for students with disabilities.

Furthermore, the high teacher turnover and reliance on long-term substitutes that many of us are

familiar with at our boots to the ground. You see, this particular semester I'm teaching 8th grade so I'm going to say hello to my students because they're going to have a homework assignment on this panel here.

(Laughter.)

DR. ANDERSON: I'm teaching 8th grade while serving as superintendent with 32 students, 32 schools, 13,000 students, to ensure that I walk the walk and walk alongside my teachers and get the feel of what does it feel like sitting in an IEP and what does it feel like telling the parent that here are the services that we have available, but we have to serve all of the needs. What does it feel like to talk to a parent about a substitute in the classroom and making sure that they have what they need to meet an IEP.

I'm really getting this opportunity this first semester, through December, to work alongside my staff. So two days a week I'm teaching 8th grade in Topeka Public Schools. And what I have learned is that the teacher shortage is exacerbated by the impact of the pandemic, the lack of undergraduate special education degree programs in Kansas and in other states where aspiring education teachers, let me give

you an example so you really understand what this looks like in my world.

At Washington University in Topeka, Kansas they had a total of four special education students that graduated in 2022 through 2024. That is four special education graduates.

Their data shows that in the spring 2022 36 total education graduates, out of those 36, zero were special education graduates in the fall of 2022 and 2023. They shared that in the spring of 2023 and 2024 hoping that, I thought this data may look different for you, 42 education graduates graduated. And so I was excited to see how many would be special education. One was a special education graduate.

I would dare to tell you that perhaps these, this information isn't just specific to Topeka. I suspect that this is what you will see across many states.

Another factor that impacts the crisis is an increase in students with disabilities impacting states across the nation. I'll give you an example in 2020. Topeka Public Schools was providing services to 2,918 students with disabilities in 2024. We were providing services to 3,075 students.

The services are required under IDEA. And

they are occupational therapy, physical therapy, speech, language and so on. This shortage increases as the caseloads of existing teachers continues to be impacted.

As a result of the added pressure and responsibilities on all teachers, more teachers are truly leaving the profession. Post-pandemic, the social, emotional well-being of students has been negatively impacted by the lack of experiences and interactions that students had in their youngest years being exposed to other students.

The dysregulation, which is displayed through fight and flight and freeze responses is truly real in most schools. Probably across the nation but certainly what we see in the mid-west in Topeka, Kansas. The number of students eloping from classrooms has increased. It has been truly a challenge.

So let me give you some solutions in these last few seconds that I have. We have been recruiting in creative ways. Everything from the parent, teacher programs, the teacher transition programs. We've recruiting internationally, but that costs about $10,000 a person to fill these spots, so that is certainly not sustainable.

I will tell you that, regrettably, the statutorily authorized funding levels have not been met by the state or federal sources. And it's compelling districts like Topeka to reallocate funds from general education impacting all students.

I know that my time has concluded. You all can tell I'm the daughter of two pastors.

(Laughter.)

DR. ANDERSON: If I may just end with just this brief quote? You know, Dr. Martin Luther King in many of his sermons says, that I cannot do well unless you do well. You can't do well unless I do well. We are all connected in part of the man. That's from John Dunne. We can't do well unless we do well by all of our students. And again, I thank you for allowing me to be here.

CHAIR GARZA: Thank you so much for your testimony. Thank you to all of your for your testimony.

We're going to open it up for questions, but, you know, I mean, I can take the Chair's privilege and ask the first one if that works for everyone?

So I, look, I have two really young children. I have a four-and-a-half-month-old and a

almost-three-year-old daughter. And I think the one thing I've learned as a parent is just consistency. And it's so hard to send your kids away, right? To be in a school setting.

And each of you have been in a classroom, and you all are parents as well. And so I just wanted to hear from you all, what is it like being in your classroom? What is it like working with your students?

I'd love to hear more about that aspect. And we can start with you, Ms. Tang, if that's okay?

MS. TANG: Sure. And I can definitely relate, I'm away from my 3 year old right now and he just transitioned to a new school so I understand that anxiety of course as a parent.

But as a teacher I've had experiences, both where I was in a situation where I had actual special education teacher that was actually working with me, and an ESL teacher that was also working with my students because I had an unreasonable classroom size.

I've also been in a classroom where the class size maximum was supposed to be 28 but I actually had 34, 32, 31 and I was totally by myself. And so that experience is very, very different.

You know, when I was by myself with over 30 students with not enough books and not enough time to meet the individualized needs of all my students, even though I tried desperately to get them everything they needed, I just didn't, there is just not enough time in the day to get to each one of them as, with as much time as I wanted to and attention.

Whereas when I was in a smaller class size where I did have opportunities for collaboration and joint lesson planning, I was able to better differentiate my instruction. I was able to ensure that my students with autism had their needs met while also making sure that my students who actually were, you know, considered gifted and talented is the term, also had challenging curriculum that met their needs too. As well as my English language learners, and some of them were literally ELD-1s is what we called, they didn't speak any English in coming to the country, all in one classroom actually could get their services met and their needs met.

And so that's what we need more of. But as we continue to have this teacher shortage, you know, the school that I taught at where I had the smaller class sizes and that, you know, the golden age of the team approach, it's not that way anymore

because we don't have enough teachers and there hasn't been enough funding.

And I'm coming from a place in Massachusetts where we thought 800 was bad for a teacher shortage in Massachusetts, but I have talked to colleagues across the state and we're talking about 4,000, 2,000. And we're just talking teachers, we're not even talking about OTs, PTs, SLPs, BCBAs, ABAs that are also needed.

So that's a little bit of an experience of why the lower class sizes absolutely do matter and why having adequately licensed teachers who have the experience in working with students that have very needs matters.

MS. ACKERMAN: Being a teacher is the most wonderful thing I have ever done in my life, and I've done it for a long time. I'm not telling you my age but I've done it for about 35 years.

(Laughter.)

MS. ACKERMAN: And it's a great experience. It's great because you represent families, you represent the society as a whole.

Someone once told me that when you go into a different country, the way to tell if they're doing their job is you look at what they do to their young

and what they do to their old. And so I think we do a good job, I think we can do better.

When I would go into the classroom every day it was just, it was a great experience because kids are learning who you are, you're learning who they are. And you've already in your mind said I'm going to love them, whoever they are, whatever their disability is, whatever is coming to me I'm going to embrace it and make sure that I give it my best.

And so you run into problems though. Problems that you can't fight. You can't fight, you know, administration, you can't fight the mandates. You can't fight the low supplies. You can't fight those things. But you can make sure that you do a good job every day.

And that's what a teacher does. They make sure that whatever they hand you, you can take it and you can make gold out of it. And when we look at our kids we look at, where are you going, where am I going to send you to in your life. What am I going to try and make you reach.

And that's what teacher's do. You know, we're in there, we're in the, you know, the ground work of it. We're making sure that we have soldiers, you know, that we're sending our soldiers out to do a

good job. And those are our children.

But if we don't have what we need, then we can't give it to them. And so what we're saying is that we're here for the battle. We're here for the fight. Whatever it is that you need to do to give it to us so that we can give to our children, allow us to do that so that they could be better soldiers when they go out into the world.

Everyone is not going to accept special kids. You know, we live in a society where everyone, you know, everyone wants to look alike, everyone wants to dress alike. But we have kids who don't look alike, who don't act like everyone else does. And we have to make sure that we arm them with what they need to have in order to exist in our society.

MS. SEYEDIN-ELAHIAN: So in regards to what you had mentioned about being a mom, and also being an educator, I always try my best to teach with a lens of how I would want both of my kids to be treated and educated in the classroom. And one particular world that my 4th graders will know very well is respect. And I always say that as a teacher, as an educator, if I'm giving them respect and demand respect it will come with it.

And I always also say that we have to give

these students so much credit for just coming to school with a smile on their faces based on everything that they go through. And where I work you certainly see the homelessness, you see that they do take food home because they know that come the weekend they might not have enough. And I make sure I have a pantry in my classroom to where they can go and get the food that they need.

So I go in with the lens of how I would want my own children to be treated in the classroom. And I always say whenever there is a problem, what's the first question that parents ask, myself included, is what did the teacher do. So I advocate for those that need it.

And straight up I just have to say I do fight. I fight my administration all the time. If my students are waiting in line for lunches a little too long, I will be that one that has to bring it up at our next PD to state that, hey, I wouldn't want my students to be, or my children to be standing in line to get lunch and ask to be quiet given that they're hungry.

So it's really important that we take the lens of what our students go through on a everyday basis, again, just coming to school with a smile on

their face just based on all the trials and tribulations that they go through at their own homes. And I have to make sure that I create that safe space. And I do know for a fact that I do my best at it. Thank you.

MS. ACKERMAN: Being special educators I think we all probably have special unique stories. Very few people probably know about what we do, Rivermont Schools. It's very unique. It's the most challenging students in the Commonwealth of Virginia.

So a typical classroom could be probably about eight students with a teacher. And I mentioned that was my first job. I was actually a provisionally licensed teacher, I was not fully licensed myself.

But about eight students with a teacher. Three to four other adults in the classroom dealing with unique emotional needs or sever autism. And we're really what keeps Virginia schools safe I believe.

But we have a BTC approach, behavior, therapeutic, clinical. Very holistic unique approach where everybody in our school has access to positive behavior supports, a licensed professional counselor or social worker or a, and actually a BCBA. So BTC approach.

Very different, very unique. Probably not quite what you're hearing from my public school counterparts here. But if you just can imagine some of the most challenging social, emotional needs in a classroom. My classroom was kindergarten through 5th grade boys back in the day, so, it's very special.

DR. ANDERSON: Well I'll take you into my 8th grade class, but I'll take you in every class across Topeka Public Schools and just give you a quick look. We, I believe, are leaders in special education. What she just described on Riverside, you also can see a portion of that in Topeka Public Schools.

We have a school called Capital City High School. And we serve students from middle through high school, very similar approach. But if you look at the traditional school where most teachers are, you will have students, we're talking about students who are dysregulated but you also have gifted students that get special education services that also rely on that same funding.

So you definitely have the spectrum of students. Whether you have 25 or 30 students in your classroom, you will have students of varying needs.

My own classroom where my students enter,

my 8th grade students have an opportunity to attend another school where students from across the district can come. And when they come in it is expected that I am familiar with every students individualized IEP. So I have, as the opportunity, as the teacher, to meet with all of our parents, whether I have 15 or 18 or 30 students, additionally, if there is a substitute then I get the wonderful privilege of helping write their IEPs because a substitute can't write the IEPs.

And so as classrooms are overcrowded, you have teachers that are carrying on more of that duty to ensure that students are really being served well.

But you see a continuum of services. I am so proud of Topeka Public Schools because we do offer a continuum of services. So whether you have a student, if you came to Winston School, Mr. Gilchrist. If you and your wife of 30 plus years in teaching walked on into Winston and you said I have an autistic child, I have a gifted child and I have a child that just has, perhaps dyslexia, all three of those can be met in the same service area.

We have a room specifically for students with severe autism and autistic needs. But we also have our students in the least restrictive environment in every way possible. So a true continuum of

services.

Most special education students are supported in Topeka Public Schools in general education. That's important to remember.

And if we do not have the funds in special education to meet all those needs, it does come from general education funding. And that's what that looks like.

CHAIR GARZA: Thank you. I believe I have a question from Commissioner Gilchrist --

COMMISSIONER GILCHRIST: Yes.

CHAIR GARZA: -- and then we'll go to Commissioner Magpantay.

COMMISSIONER GILCHRIST: Madam Chair, thank you. Let me thank all of you for your presentation today.

I've said in the first two panels that I'm married to a 32-year educator in elementary education. So I value the work that you do. And I want to thank you for your work.

Madam Superintendent, let me say to you that I'm inspired to know that as a superintendent of the school that you're also in the classroom. I would just be curious to know how has that informed you as a superintendent about some of the things that we hear

from teachers?

And I have another follow-up question too if I may, Madam Chair? Just curious to know you're response to that.

DR. ANDERSON: Well, Commissioner Gilchrist, I wear tennis shoes for a reason. These are particularly white because I changed them right before the meeting. But they're normally beaten and torn and all holy because it's boots to the ground work. Or in my case, sneakers to the ground work. And that's the work for all of us.

The work doesn't happen in an office setting in any superintendent's office as far as I'm concerned it happens with boots to the ground. So even when I'm not physically teaching every day I'm in a classroom, in the school. And with that, the information for me is ongoing. This is continuous improvement. And it's truly a journey.

You know, we think about the promises in the 1970s for special education funding, which still has not happened. When are we going to fulfill that promise?

(Laughter.)

DR. ANDERSON: And so here is what I tend to say. You have to work well with what you have.

And so for what we have it requires, everyone in central office is required to be inside of a school. So all of our curriculum and assessment team, they spend a portion of their time teaching.

So while I teach my 8th grade, alongside me as the cooperating teacher, who oversees all of math, in fact, she is the Region II Kansas teacher of the year from last year. One of the teachers from the Philippines that we recruited 15 years ago. She oversees the district. And she also teaches all of our upper level college math courses.

And so when you say how has that informed me, to answer that question, it's caused me not only to continue to see the need and reaffirm that, but it also lets me see possibility. I do agree that there are ways that we can use our resources strategically to address and target critical issues.

But I also believe that we still need, tend, full funding in order to be able to truly fulfill this promise. So we are all a blessing in a lesson in some way.

And being able to teach in the classroom, it's helped me see the significant need in a different kind of way. For example, we're talking about special education, I didn't hear gifted education come up in

the first couple of panels, but I have gifted students in my classroom.

And so it reaffirms what I know, but it also allows me to see the urgency in which we must act to serve all needs on the spectrum.

COMMISSIONER GILCHRIST: No, thank you for that. And I'm going to move quickly, because I know in the essence of time, Madam Chair.

Ms. Ackerman, I encourage to hear the work that you're doing in the special needs space. I am curious though about the licensing bottleneck. Can you explain to me a little bit more what that, what's the problem with that?

MS. ACKERMAN: Yes. I think they're seeing shortage in the Department of Ed as well, right? Our state department boards. So approving the licensure's are taking longer than it had historically. So that has about a 16 week bottleneck.

But then we have a unique set of standards to being private schools for students with disabilities in Virginia. And that's where we aren't allowed to grow from the license. You know, you get put on your license you can take a hundred kiddos, we can't grow to 120 kiddos unless we meet some requirements.

And some are, I mean, they're great requirements, we agree with them. You know, square footage for the students that are adequate. But having all teachers licensed at the current climate is creating a backlog.

COMMISSIONER GILCHRIST: Sure.

MS. ACKERMAN: Yes.

COMMISSIONER GILCHRIST: Yes. Dr. Gusby, it's great to see you. I always recognize folks from South Carolina since that's where I'm from.

(Laughter.)

COMMISSIONER GILCHRIST: So great that you're here today. I would like to hear a little bit more about this specialized effort to provide education to special needs students online.

DR. GUSBY: Yes.

COMMISSIONER GILCHRIST: Can you expound on that? Expound on that a little bit for me if you will?

DR. GUSBY: Sure. We began right out of COVID. And when schools sent kids home they also sent special needs kids home. And that's a difference. We found out that a lot of our special needs kids, they didn't have laptops, they didn't have Wi-Fi. And they had parents who did not know how to operate computers.

And so with all of those, because I'm a special education person, I knew we needed to do something. And with that, we came together and we came together and we created my computer, Education Prescriptions. Which is a virtual education company.

And we found out that with special needs, you know, regular education teachers, they're told in one segment. And with special ed we know that we come with all kinds of gizmos and gadgets because we have to have them in order to keep kids busy. When they're in the classroom they have manipulatives that they, hands on that they work with.

And so when these kid got sent home they had issues with computers, they had issues with Wi-Fi's. They had training that was not done. And so we took it upon ourselves to start that.

So we worked with schools to try and make sure that parents were trained. We created an academic learning kit of sorts, and it had manipulatives included in it. And we sent them home to parents so that way when we're teaching children we would teach them how to count and use them blocks while we were on the other side of the screen we had those same blocks that we were teaching them with.

So, and that way we had a way in which we

could get through the screen. But special ed kids, they were not used to having teachers on screens, they were used to having teachers that they could touch, you know, that they could stand by. And so we had to make it that kind of program that it was inclusive of all the things that they know. Like to smell and touch and hear and see.

And so that has been so rewarding. We're still doing that, because we found out after COVID ended, supposedly, after COVID went away to a certain point that all kids didn't go back to school. So parents, some special ed parents kept their kids at home. And so that's why we're still in business because we're still that added addition to make sure that kids are still getting the academics that they need, the social contact that they need, as much as we can do. And I would say we're doing a pretty good job.

COMMISSIONER GILCHRIST: Great. Madam Chair, if I may just one more? I promise I won't say anything the rest of the meeting.

(Laughter.)

CHAIR GARZA: All right.

COMMISSIONER GILCHRIST: But --

CHAIR GARZA: I'll hold you to it. I'm

just kidding.

COMMISSIONER GILCHRIST: I think it, is it Ms. Eli --

MS. SEYEDIN-ELAHIAN: Elahian.

COMMISSIONER GILCHRIST: Elahian. And I believe Ms. Tang referenced this as well. Someone mentioned the ivory tower. And we've talked a little bit about the ivory tower a little bit here today.

My wife's an educator and I hear often that educators feel that their voices sometimes are stymied and that they, that if they speak up about the things that they know need to happen in the educational arena, for some reason there is a threat of retaliation that they believe will happen. I'm curious to know if that is indeed something that, as educators, you feel that's real?

I find it quite uncomfortable that that's, that people who recognize what we need to do for students feel like they cannot speak up when they see what is actually happening to children in this country. So I'm just, anybody want to speak about that?

MS. TANG: Yes. You can start. Go ahead. And I'm happy to weigh in too.

MS. SEYEDIN-ELAHIAN: If I may, I have to

say that, you know, looking at the big picture I am so fortunate to not be intimated, to be able to use my voice and advocate and have it represented for the students that cannot speak for themselves. And I always look at it as, you know, there is the fact that I'm there for them and if it was my child how would I want that specific situation to be dealt with.

So for me I am an advocate. I am loud. And there is times that my administrators do not like me. As a matter of fact there was a time that I had requested a transfer and I was asking my father, do you think that this transfer is going to get, go through. And his specific wording was, oh, she can't wait to have you move on because I am there for that purpose.

And yes. And that goes right back to what I was talking to you about lunches. And they were, these students were, if I could just transport you all to that moment and these students were lined up, 12:30 was lunch, it was 12:42 and they were still waiting in line to get lunches. And then they were asked to be quiet while they were waiting. We're talking about 2nd graders, 3rd graders, 4th graders. 7, 8 and 9 year olds.

And I walked by and I took a picture. And

that moment she walked over to me and said, Ms. Elahian, is there a problem, and I said, there sure is. There is no reason why these students should be waiting this long.

And it just, you know, it just developed from there. And I just kept advocating and advocating until those lunch hours were changed to where it's one single grade level going at a time.

COMMISSIONER GILCHRIST: Right.

MS. SEYEDIN-ELAHIAN: And I feel, Mr. Gilchrist, if I didn't speak up it would have continuously happened.

COMMISSIONER GILCHRIST: Sure.

MS. SEYEDIN-ELAHIAN: That is one small, you know, representation of how it is to have a voice.

I feel, again, I am the exception. Not everybody has that ability to be able to speak up and not feel forced. But I go in with the lens of what's best for the students.

COMMISSIONER GILCHRIST: Sure.

MS. SEYEDIN-ELAHIAN: And when you regroup yourself to that, always, and the standards that we should hold for these students that come in that are in my care for six hours, that sometimes they see me even more than they see their own parents per say, it

is up to me, and I mean, I took that oath when I became a credential teacher, to make sure that I do my part. So I do hope that I do them justice by doing, and having that voice.

COMMISSIONER GILCHRIST: Right. Anybody else?

MS. TANG: Yes. And I'll add in, you know, I love teachers like Ms. Elahian.

MS. SEYEDIN-ELAHIAN: Elahian.

MS. TANG: And I myself was one of those teachers too that would constantly speak up and advocate for the students and what they needed. But I also agree, we're often the exception, not the rule.

And that's actually how I found my way into the teachers union is because I was looking at my situation and seeing like, why is it that I have so many students in my class and not enough resources? And I found out the teachers union is actually the place where we are able to have a voice and are able to actually advocate for the things that our students need with a little bit more protection, and not just like protection because the union protects you, no, it's our numbers. That when we're advocating together as one voice.

Because the reality is, we also have

policy and educators who speak up and also advocate for their students. And then because, and I want to say too, not all administrators are like this. I've worked with really fantastic administrators. Ones that really value teacher voice.

But if you are advocating or speaking up too much sometimes, we have seen these cases where teachers are let go or pushed out. Or are given really difficult situations where they're not setup for success because they advocate and they speak up.

Which, again, I think goes back to their need for teachers unions. And there is not, I think a coincidence, there is a correlation between higher student achievement and states that actually allow for collective bargaining. And that's, that's actually just factual based on NAEP data.

COMMISSIONER GILCHRIST: So I'm in the south we don't even consider that obviously.

(Laughter.)

CHAIR GARZA: All right, we're --

COMMISSIONER GILCHRIST: I just want to make that point. But anyway, anybody else want to comment on that?

DR. ANDERSON: If I may, just very briefly. Commissioner Gilchrist, as she talked about,

and they both, about being the exception and not the rule, we need to make it the rule that you can speak and your voice is here and that you are important because you are physically present. And even when you're not at the table, in fact, that's why I have the computer on because I'm letting teachers know, if you all have something you want to say, say it to me, because I'm sitting here. And so my computer has red and blue and different people typing things on a Google Doc that if they want their voice heard.

You know, mindset is your only barrier. Money is not a barrier, although it can be a challenge, people aren't a barrier. How you think about what you do is the barrier.

So what I think all of us are asking, and certainly I'm asking, is to think differently about how we serve students. We have to in order to serve all students well.

And so this ivory tower, as I mentioned, teaching in the classroom, I suspect there are probably other superintendents and principals teaching in the classroom. We have a teacher retention survey, a hundred percent of the teachers, just about a hundred percent, ranked at the thing that's keeping them to say and causing them to love the profession is

their principal.

What they do feel less value is sometimes the ivory tower that's here in D.C., you know, because they're not fully funded. Because we're talking about teachers in ways that causes them not to feel as valued. Because perhaps the teacher salary scale is still in the 50s, which shame on us when it should be far above that across this nation. That is what can intimate someone from speaking up.

COMMISSIONER GILCHRIST: Sure.

DR. ANDERSON: So for us as have a legislative advocacy group for our teachers and different pathways and ways to give anonymous feedback. And anyone that's listening that's not doing that, replicate that and grow it.

COMMISSIONER GILCHRIST: Well thank you for noting that the ivory tower begins in Washington, D.C., good education. Thank you for noting that.

CHAIR GARZA: All right, well thank you. We're going to go to Commissioner Magpantay.

COMMISSIONER MAGPANTAY: I think it's marble, not ivory in the capital.

(Laughter.)

COMMISSIONER MAGPANTAY: But I am incredibly grateful for your service to your students,

and for your profession to career. As a parent and, you know, working with many special ed teachers and teachers, just thank you so much.

And put that into the chat so everybody on your Zoom has heard me say --

DR. ANDERSON: They're probably watching.

COMMISSIONER MAGPANTAY: -- thank you for your service.

I want to go back, I want to go to some solutions. We heard earlier, I'm hearing funding is an issue, salary, credentials. Ms. Tang talked a little bit about loan forgiveness programs. I want to talk about some alternatives.

What did you say, thinking out of the box, some alternatives to how we can address the crises of teacher shortages. And can you all, anybody can comment on loan forgiveness programs and how that's helpful? And your thoughts and recommendations.

MS. TANG: Sure. I mean, I visit schools all the time and I always liked it when, especially in high school be like, hey, who wants to go into teaching, right? And it's dismaying sometimes that students aren't interested.

And so, not only do we need incentives, like student loan forgiveness when it's so expensive

now to go to college, and then you are thinking about, you know, well, I want to be able to have a family and buy a house, but how am I going to do that when I am constantly paying off loans and getting paid lower than I would if I were taking a job in another sector that actually pays more, right?

And so we do need to think about incentives, not just, retention is super important, but so is the pipeline. And there are initiatives like teacher registered apprenticeship programs or student to teacher pathways that we do need to, I think grow and invest in.

And those are, again, some of the strategies that work. But knowing that if you go into public service and then, at least ten years, and then are able to get that loan forgiveness.

I can tell you I have met dozens and dozens of teachers who say it's been life changing and that allowed them to finally buy the home that they've dreamed of for so long. Or finally been able to afford things they couldn't afford because they were taking care of parents and there was a lot of medical expenses and things like that. It has truly been life changing. And I've heard that story over and over and over again.

And we do need to have incentives to bring, make the teaching field attractive because that's what we need, right, people who are doing it because they love it not because it's a job.

DR. GUSBY: Can I say? You know, this idea of loan forgiveness, it's not really new. When I went, when I started my, when I did my bachelor's degree we had recruiters from the university come to our high school to recruit us. Those people who wanted to become teachers. And so the promise was, if you went ahead and got your four degree and finished, that you wouldn't have to pay back your loan if you taught three years in an inner city school or low economic situation. And so we jumped at it because it was wonderful.

We knew, well first of all, we wanted to teach. And we were coming from the city. We knew we were going to go back to the city to teach. So it was a perfect ball that they were offering us. So it wasn't a magic spell, it wasn't a new concept, it was why not kind of thing.

So this forgiveness that we're talking about, I think it has already been there. It has happened in the medical field, it's happened in the education field before. So it's not so, you know, new

and inspiring, I think that we need to stick to it.

MS. ACKERMAN: Well, I just want to point out that it, to her point, it has been around and we're continuing to see the decline. So while we need to keep investing in that, and I want to see it continue of course because it's, we've seen a lot of teachers benefit from it.

We need to do something that encourages people at the front end. And so, with our grown our own, paying for the tuition up front has been really valuable.

And then we have also learned, when you pay too much up front the completion rates aren't as high. So we ask for them to commit a little bit into it. And then we've also started incentivize once they finish certain parts of the process.

So I think it's been wonderful, I'd love to see it stay, but the declining is still happening in the phenomena of loan forgiveness so I just kind of want to point that out, so.

DR. ANDERSON: You know, one of the items that I'll share with you, and I'll talk about what we can do locally, but also what we can do in the marble tower to change things. And all of these things are so interconnected. And so when we talk about loan

forgiveness, that's one area. The grow your own.

And Topeka Public Schools, I don't need to wait four years for you to get out of college to say you want to come back to Topeka. If I know that you want to go into education, or if I know you're a student that's connected with special education, you get your contract in your junior year in high school, every single student has come back.

I mean, so that's a different way of looking at that. That's a no-cost model to get, to grow our own and bring talent back to the pipeline.

I've mentioned the paraprofessional, the teacher program. The transition to teach program. Here's a wonderful thing. The president, first woman president by the way at Washburn University, she made it so that college is free. Every student can go to Washburn University at no cost as of this year.

That changes the landscape for our paraprofessionals and for anyone else. You know, the current model of education is pretty archaic where you student teach and don't get paid and stay inside of a school. We can change that. Locally and beyond in terms of what it takes to become a teacher so that you can have that on the job training and be paid.

Very few people that are high poverty can

give up a course of a semester and student teach in a classroom and not be paid. So you really recreate this larger equity gap when you are having that as a gateway to come into teaching.

So I think we can think about the models of teaching differently, and student teaching differently. But locally as well. Our grow our own program starts right there with our students and our high school.

The educator teacher pathway is something we have in Topeka Public Schools. You want to be a teacher, enroll. You can go through that pathway. However, I have learned that that pathway has yet to really be identified as a career technical pathway. Not only in our state but in many states.

So I think there are things that we can all do to bring teachers in. But the shortage is still there and it continues to grow. And the special needs of our students continue to outpace the number of teachers we're bringing into the profession.

CHAIR GARZA: Thank you, Ms. Anderson. And then we'll have you give the last word.

MS. SEYEDIN-ELAHIAN: Oh, thank you. I have to go back to what you said about loan forgiveness. I have the privilege, as I stated, of

not just having my 4th graders but also have a lecturer, being a lecturer at a university level. And I made that a personal choice of mine to go back and to circle back to becoming a professor so that I can educate those are, you know, the teachers that are going to be coming into our field because there was so much lack of information coming in.

I always say, I wish someone sat down and took me to an IEP process. I wish someone sat down and told me about the different loan service forgiveness programs so that we are not here today on this purpose of teacher shortages.

And so a lot of my students at the university level, that's one of the topics that they first ask me about. And they say, how long did it take you to pay off your, you know, your loan forgiveness and, I mean, your loans and whatnot.

So I think it's important for us to really educate our incoming teachers to continue to go forth with what they have and giving them all the tools that they need in order to succeed and not leave the profession because if I'm not mistaken, I think the career span of a teacher these days is about five years. And I think we need to turn that around today, starting from today, because if you are leaving this

great profession after five years knowing that you want to be there to make a change but there is certainly barriers in that pathway, that's when it becomes problematic for us.

CHAIR GARZA: Thank you for that last word. We're at time. I just want to say thank you again to the panelists for your comments, for the love that you pour into your profession and to your students. I deeply appreciate it. I know a lot of us here at the Commission, and parents and everyone who's watching, appreciates the work that you do as well.

So, I'm going to recess us for ten minutes. And we'll reconvene at 3:36 p.m. Eastern Standard Time.

(Whereupon, the above-entitled matter went off the record at 3:26 p.m. and resumed at 3:40 p.m.)

CHAIR GARZA: All right, we will come back to order. It is now 3:40 p.m. Eastern Time.

We're going to go ahead and proceed with our last panel, which will provide an inside look into what's happening in our schools and classrooms, as we hear directly from students with disabilities, their parents, and their teachers.

Each panelist will have seven minutes to speak. So, following the conclusion of the

presentation after everyone has finished, the Commissioners will ask their questions.

I'll recognize Commissioners who wish to speak. I'll strictly enforce the time allotments given to each panelist to present his or her statement, and unless we didn't receive your testimony until today, you can assume we've read it.

So, you can summarize your testimony and we will appreciate that, so you can make the best use of the seven minutes allotted. And please focus your remarks on the topic of our briefing.

So, panelists, please notice the system of warning lights that you have right in front of you. Once that light turns from green to yellow, that means that you have 2 minutes remaining.

And when the light turns red, panelists should conclude your statements so you don't risk me cutting you off. I don't like to cut people off, but just wrap up your thought. My fellow Commissioners and I will do our part to keep our questions and comments concise.

So in the order in which our panelists will be speaking, we're going to start with Karen Lockerman, national board certified teacher with over 20 years of experience working with a wide range of

students with special needs.

Alysha Legge, parent of impacted student, Army veteran, founder of Moms for Freedom. Alison Lauber, a special education coordinator. Joshua Woods, an impacted student. Tony Woods, the parent of Joshua Woods, an impacted student. And Robert Varela Rodriguez, special education teacher.

So, now I'm going to ask each of you all to raise your right hand to be sworn in. Will you swear and confirm that the information that you are about to provide us true and correct, and accurate to the best of your knowledge of and belief?

(Chorus of I do.)

PANEL 4: FROM THE FIELD: HEARING FROM IMPACTED PERSONS

CHAIR GARZA: Wonderful, thank you. So we're going to go ahead and start with Ms. Lockerman, if you could please begin.

MS. LOCKERMAN: Thank you for the opportunity to represent special education teachers everywhere, particularly those in rural areas though as I teach in a rural area of South Carolina in an elementary school.

I am also a parent of a daughter with autism, and she is legally blind. She is 22 now so

we've been through all the processes.

I've been on both sides of the table, and I'm here to share my first-hand experiences with the challenges of teaching, especially during a teacher shortage that has been exasperated by the pandemic.

Students with disabilities often struggle to receive a quality education, and these difficulties are heightened in rural areas due to the lack of qualified teachers.

I'm going to keep with the script because I'll just keep talking about my kids all day long, so.

(Laughter.)

MS. LOCKERMAN: Let me take you back to the onset of the pandemic. While teaching young adults with intellectual disabilities and high functioning autism in a Walmart-based classroom as part of Project SEARCH, the pandemic struck severely impacting my students.

This program provided essential real-world learning opportunities with social skills, independent living skills, work skills, and basic life skills.

These are difficult to replicate at home. So they weren't able to continue at home. As a result, the, with the possibility of getting sick, many parents were reluctant to send their young adults

back to the program, leading to decreased participation and unemployment for graduates, contrasting sharply with the previous year's 100 percent employment rate.

Ultimately, the program was cancelled due to low enrollment and the district's inability to provide a teacher and an assistant at Walmart.

As students returned to school, a surge in identified disabilities occurred, causing class sizes to double while the number of teachers dwindled.

My daughter who was part of a hospital-based work program, also faced disruptions and had to stay at home just like many others.

Thankfully, I was able to find her volunteer opportunities and she now is an employee of Publix as a bagger.

But not all parents have that ability to advocate for those, their students, and that's my job. I want to teach parents how to advocate for their students, as well as teach their students.

As life began to return to normal, our district like many others faced a teacher shortage. This issue was particularly pronounced in rural areas due to limited corporate presence, resulting in lower tax revenue and consequently, stagnant teacher

salaries.

Teachers often preferred urban settings that offer more amenities. Neighboring districts were able to provide these benefits, along with competitive pay, making it easier to attract educators, especially those skilled in special education.

As an administrator at that time, I was involved with recruiting new teachers and we found it increasingly difficult to fill positions.

We ended up having to hire virtual teachers, and teachers that would come into our country with special visas, which complicated matters for our special needs students who are already facing academic and social challenges.

The language barriers and virtual instruction added further difficulty to their learning.

Our situation became dire with more students receiving certificates instead of diplomas at graduation, including my daughter.

Our current teachers began to feel overwhelmed with additional responsibilities and with the fear of getting sick, which led many to resign due to concerns related to the pandemic or student behavior.

Sadly, there are incentives offered to gain more teachers, but not to keep teachers. Maybe a yearly stipend for dedicated special ed teachers, or a change in pay scale, should be considered to retain good quality teachers.

By the grace of God, I realized that my calling was in the classroom and I went back into a rural elementary where I am teaching resource, and where I can use the fruits he has given me.

Love, joy, peace, patience, and kindness, which are needed in abundance every day because this is where the pandemic impact is most evident.

With 4th graders reading at kindergarten levels, and 2nd graders lacking basic phonics skills, these students experience virtual learning or miss critical formative years resulting in significant skill gaps during the school closures.

Because I teach at a rural school, we are often overlooked despite our vital role. Attracting teachers is difficult due to our location, leading to substantial challenges.

Last year, two of our classes required mid-year replacements for general ed teachers, with one class needing two replacements affecting seven of my students. And substitutes just don't want to drive

that far.

Teachers are facing low pay, behavior issues, and education gaps that often drown their passion and lead them to pursue other careers.

While my resource class aims to provide targeted support, some students require more assistance.

The shortage of trained special ed teachers means that students may not receive the special support they need, making it challenging for them to keep pace with their classmates, and widening the learning gap.

Fortunately, my administration allows for instructional flexibility but financial limitations restrict specialized classes.

This is happening at an alarming rate as districts are forced to make decisions that would affect educational opportunities due to funding and personnel, instead of need.

As a result, students bear the consequences. Just last month I attended a meeting where we discussed school-wide scores for our state report card. Every rural school I've worked at has consistently underperformed. As a special ed teacher, we are frequently noted as the primary reason for this

decline.

It takes immense passion to continue teaching with disabilities as external rewards and recognition are scarce. The motivation must come from within but when overwhelmed with paperwork, lesson planning, behavioral challenges and high expectations, along with all of the responsibilities that you're given at school, it becomes difficult to maintain that dedication and many teachers ultimately resign.

Financial incentives would encourage more teachers to join the field, and perhaps they, too, would discover their passion.

Addressing the teacher shortage in rural areas is crucial to providing students with disabilities, the education they deserve. By prioritizing the recruitment and retention of teachers, we can enhance the educational experience for these students ultimately strengthening their entire community.

So please allow me to leave you with this image. Imagine being in 4th grade and the teacher is teaching double-digit multiplication and you're trying your best, but you having mastered subtraction with regrouping. You begin to sink. Then, she gives you homework that no one is able to help you with at home.

You sink a little farther.

Then you pretend to lose your homework because you're too embarrassed to let people know that you don't know how to do it.

So, you go to school and you lose your recess for not turning in your homework, and the teacher moves on to division.

You are drowning and when you reach out, the only hand to grab you and pull you up is a special education teacher. But there's not one there because the special education teacher has 25 other kids that need help, too. Or has already given up and quit.

We need people to see that those hands are not only needed, but necessary for the most vulnerable kids. Help us generate more teachers in special education.

Thank you once again for this opportunity.

CHAIR GARZA: Thank you so much for your testimony, Ms. Lockerman.

We're going to now hear from Ms. Legge.

MS. LEGGE: Good afternoon, everyone, Commission, staff, and everyone watching and here in attendance today.

Thank you so much for putting on this hearing because it is extremely important to discuss

the effects government overreach during COVID has had on the American people, especially those who may not be able to properly advocate for themselves.

And as well as the effects it's had on our education system. I believe our response to COVID kind of exposed the issues we have with our education system.

And it is my opinion that transparency and accountability are the only ways that we can begin to heal, and move forward as a nation.

So my name is Lay Legge. I'm from Tampa Bay, Florida. I'm a mom of four, a disabled Army veteran, and the director of civil engagement with Moms for America, a national organization with a network of over 500,000 moms.

Our mission is to empower mothers to raise patriots and promote liberty, as mothers have the biggest influence in culture starting with inside of our homes, and our children.

And when we understand our rights and where they come from, and our role within our government, we become activated to defend our faith, our family, our finances, and our freedoms.

During COVID, myself and a coalition of moms called Moms for Freedom, who advocated for

parental rights because parents have the authority over our children, unvetted right, we decided to discuss, we fought local government overreaching policies that violated the civil rights and constitutionally protected rights of the people, such as select Americans who were labeled by our government as essential workers being the only ones allowed to work; lockdown measures; mask mandates; school closures resulting in remote learning; and, many more.

These egregious policies affected me and my family very profoundly. I was denied medical care, literally turned away because I refused to wear a mask.

I was discriminated against in restaurants and even kicked out of one, as well as harassed and ridiculed by Tampa police at a school board meeting.

Not only were my HIPAA rights violated, but my civil rights were as well.

As a sexual assault survivor, I cannot express enough the emotional and mental anguish being force masked and publicly humiliated for not complying with these unlawful mandates caused and exasperated, mind you, one in every four women has experienced sexual assault and this is not just adult women, these are also girls.

It was as if I was a second-class citizen in a country I swore to protect. None of that mattered as my privacy was violated, and my decisions were constantly publicly ridiculed.

All my children were affected by these unlawful mandates on some level or another. However, my youngest son who is on the autism spectrum, was affected the most.

My children were vibrant and full of life before COVID and government's overreaching response to it. They loved playing outside, playing sports, interacting with peers, and making friends on a regular basis. And my youngest son was making progress with the assistance of therapies provided for him through the school district.

While our local government implemented unconstitutional lockdowns, curfews, closed local parks, removed basketball hoops or even put plywood over them as if that helped COVID, along with our teachers' unions influencing our school district to mandate remote learning and mandatory masking, they all developed social and testing anxiety.

They struggled more with communicating and interacting with their peers. They struggled with a lack of empathy for each other, and an increase in

emotional outbursts and tantrums, as well as developed an increase in reliance of electronics.

As I stated prior, my youngest son was in the 1st grade at the time of all of this. And most, he was affected most by, by our response to COVID.

When we were required to remote learn, the environment was to re-create school at home, which was extremely difficult over Zoom.

Children with autism rely on structure and routines in order to thrive, and Zoom school had neither of that.

Which is with his sensory sensitivity and hyperactivity, it was difficult for him to focus with classmates drawing on the screens, and screaming, and interrupting teachers during the lessons.

His individual education plan required him to see a speech pathologist twice a week, where he needed to see the ES teacher's mouth movements in order to understand what she was doing and saying.

So you can understand how the mask mandate impeded on his learning, and his progress.

His applied behavioral analysis therapist who would observe him and assist him in class three days a week, was unable to do so because she was denied access to my child due to being an outside

provider, which was never an issue before.

I informed my school board. As I found out, it wasn't just my child who was being affected by these decisions, and it made solely, these decisions were solely made for political reasons.

And by the harassment of school board members by teachers' unions. I have receipts.

I was very uncomfortable with the level of compliance and lack of courage others had to stand up for, and to protect the students who needed the most advocacy, our special needs students.

So I did what I thought was best and I took my child out of public school, placed him in a home school curriculum, and I used our insurance to find resources for him.

He thrived in our home learning program, is a better reader, and no longer requires ABA speech therapy. There are still some challenges, but I think we can overcome them.

And I am pleased to share our story. I know that it's not the same for a lot of other students, but it is important that everyone's stories are told.

And, as much as this was eye-opening to me, it was very profound. And so, so profound that I

ran for school board in 2022, and I became the first school board candidate to ever be endorsed by a sitting governor in the history of American politics.

And although I did not win my race, I am teaching thousands of Americans the proper roles and responsibilities of government, how to politically be respected, and how we, the people, can wield our political power.

In closing, I will say this. The United States of America is a sovereign nation because the people are sovereign.

And when government takes that away by force, we are no longer a free people or nation. We must give our consent to be governed, and the Constitution which limits and codifies individual natural God-given rights is the law of the land.

They cannot be given or taken away by government or the agencies in which they create. When those who we have consented to governor us operate outside of the consent of the people, they become unjust and shall be held accountable.

My hope for this hearing is to not only figure out solutions, and listening to the people that are impacted daily on the ground, and not governed from those in the ivory marble tower.

As if we said before, it is important for us to not just bring over solutions, but to make sure that those that do not consent, and do not abide by the laws in which the bounds in which they have been given, are held accountable.

Thank you.

CHAIR GARZA: All right, thank you Ms. Legge.

We will now hear from Ms. Lauber. Please proceed.

MS. LAUBER: Good afternoon, thank you for this opportunity in allowing me to share my ground-level view of this dire problem at this magnitude.

I learned a lot today and look forward to taking the knowledge back to my state.

I'm an eighth year as an educator where I have worked in grades K-12, supported 18-22 transition programs in Title I schools.

My first 6 years was dedicated as a high school special ed teacher, teaching students with disabilities who are on the alternative diploma track in one of our most restrictive settings with the most intensive needs.

For the last 2 years, I worked at the middle and elementary school, schools, as a special

education coordinator.

Over the span of my public service, my roles have included membership of the National Education Association's Disability Rights Resource Cadre.

I was also an executive board member for our state teachers' union, DSEA, Delaware State Education Association.

And then, working with our local union as an executive board member, chair of our teacher retention and recruitment committee, and a building level association representative.

Coming out of the pandemic, the climate and culture of schools changed dramatically. In my various positions in special education, I have witnessed the need of our students with disabilities of all levels of complexities and supports.

With my current role as a special education coordinator, also a local agency or local education agency representative, my feet are in two different lanes that eventually merge together.

I'm required to be well-versed with special education law, policies, and best practices. It is a really tough position to be in on behalf of different parties where you are advocating for

student, parent, and educator rights all at the same time.

I assign caseload numbers and coach teachers on special education processes, which is always a tense topic.

I facilitate out of state transfer meetings, initial IEP meetings, evaluation meetings, NOIP meetings, tri-annual evaluations, alternative placement meetings, benefit station and determination meetings, with lawyers and advocates from time to time.

We have non-classroom based special education certified staff picking up caseloads for unfilled special education vacancies. And providing specially designed instructional services.

So we have deans, instructional coaches, even sometimes administrators who are special ed certified taking on some caseloads.

It's all hands on deck at this point. I want to mention that writing IEPs, individual education plans, and then providing services are kind of two kinds of tasks with different lifts.

I want to share some events that I've witnessed through my experiences on what I see.

At one point, we had only one certified

special ed teacher for a 7th grade team for a middle school.

She had over 30 students on their caseload as secondary IEP. So transition IEPs, they have a little bit more oomph to it than an elementary IEP would have.

They eventually received compensation because 30, even and typically anything over 15 is way, very overwhelming.

And sometimes those caseloads, those teachers don't have those kids so they have to float, or they have to rely on other people for data collection, things like that, and services to be provided to them, for them to make sure that they are reporting correctly on their progress reports.

There's been state complaints filed by parents for students not receiving their services. Dewey has provided some action plans about having a three-part mandatory in-person training sessions on IEPs and implementation for all staff to have, because it is a team effort. It's a team and group responsibility to make sure those services are made for our students.

Currently, the last two weeks at my school we've lost two special ed teachers to other

neighboring districts. There are school districts that are partnering with marketing firms to advertise working in their school district.

We don't need just time and money, we need effective and quality teacher preparation pipeline, such as year-long residency programs, which I was one of them when I graduated in 2016. We have things called critical needs reimbursement programs, competitive collective bargaining agreements.

Looking into our funding systems and funding ratios, there is higher education institutions with alternative routes to certification programs.

We have paraprofessionals starting to become teachers through the Grow Your Own programs. And then, our comprehensive induction programs for mentoring for new teachers.

So, remember, we are talking about supporting students with diverse classifications, diagnoses, diagnosis disorders, which we try to help them have the best education possible.

We're also talking about students with disabilities in schools who come from correctional facilities, mental health facilities, who are homebound, who are in foster care, who have, who use augmentative and alternative communication devices.

Toileting needs, McKinney-Vento, private duty nurses with feeding therapy, and adult, additional adult support is also sometimes referenced as one-on-one's. And then also multi-lingual learners.

And then we have our students with IEPs as well as 504 plans. And then even those who are unidentified at this time. So we do have students who don't have either of those, IEPs or 504 plans.

So, altogether, what we do know is that we need teachers. We need face-to-face learning. We need students getting their services. We need a team approach to this problem. Maybe looking at defining caseloads, investigating the efficiency of funding formulas and systems.

Just a few points of information at least from where I am in Delaware. Seventy percent of our pay comes from the state, and then 30 percent comes from our collective bargaining agreements.

So, let's not cut corners and lower our standards. This would compromise the integrity of the profession. Please keep thinking about our students and educators. Take a united front for the future of education.

And there's always a phrase that we say a

lot. Our students' learning conditions are our staff working conditions. And this includes appropriate training, curriculum, and resources to better serve our students.

Time is the most valuable asset. And it's ticking fast. As long as we have the same goal in mind, we are allies. Let's shift these conversations into action.

Thank you for your time.

CHAIR GARZA: Thank you, Ms. Lauber.

We're going to now hear from Mr. Joshua Woods, if you are ready to begin.

MR. WOODS: Good afternoon, and thank you to the Commissioners for inviting me to speak before you today on this important issue.

My name is Joshua Woods, and I am currently a senior at Westwood High School, located in Blythewood, South Carolina.

I am doing well as a student at my high school. I have successfully maintained an A/B average throughout my school career, but it has not always been easy.

I have had some late nights to finish my homework assignments. Reflecting on my academic journey, in 6th grade is discovered that math was one

of my stronger subjects. And one of the subjects I most enjoyed.

At about the same time, I learned that I was on the autism spectrum. Because of the teacher shortage, I have had four different engineering teachers in high school, which has made a tough subject more challenging. We have also had turnover with our special education teachers in my school district.

While their focus should be making sure that I stay on track in my core classes, they have not always done so. In addition, they have not consistently communicated with my teachers to identify the areas where I needed assistance. This has limited the help I have received.

Despite these challenges, I continue to strive for success in my studies. My recommendation to the Commissioners would be to pay teachers more so we can retain certified teachers, including special education teachers.

Excellent teachers who know their students and are focused on the classroom, ensures that students like me enjoy a successful journey through school. Thank you for your time.

(Applause.)

CHAIR GARZA: Thank you so much for doing that, and being here. I think you might be the youngest one we've had, to my knowledge.

We're going to now turn to Mr. Woods, Tony Woods, love to hear from you.

MR. WOODS: Joshua Woods is my son. My wife is here, Sandra Woods. His sister is a student athlete at Campbell University, Jessica Woods.

I want to tell you how this all started. At BabyNet through South Carolina Department of Health and Human Services from 1-3, from 3 to the present registered in two special education services through individualized education, which is an IEP, the service had been provided at the school attended, at each school he's attended.

We're in the process of getting an IEP transferred to a 504 plan before he graduates in May.

He was not tested for autism spectrum disorder until 3rd grade by the school district. We also took it upon ourselves additional help through Total Rehab, and also physical therapy through Midlands Therapy.

When you are told that you have a child, it's an exciting time. Children bring so much hope to the world.

Each and every one of us in here has a cousin, a sister, a brother, a family member that's going to be touched with something.

When I was raising my children, I always thought about them being in the forest alone. And I had to give them everything they needed to either sustain in that forest, or to get out of that forest.

And then all of a sudden, you're told that your son is on the autism spectrum. Well, what does that mean?

What does that mean, because I thought my son was going to be the next president of the United States, the next NBA player.

At that moment, it almost paused for me. But then what happens is you move on. And then you realize what comes next. I'm still his dad. Opportunities are still available to him.

Now the fear now becomes when you send him to school. Does every teacher see the potential in him that I see in him? What do they see?

My son was not tested and when we got him the testing that he needed when he got to the 3rd grade, it was like a lightbulb went on for him.

We went and got him tested at University of South Carolina. Determined that he was on the

autism spectrum.

They sent it back to North Springs Elementary, and once he got what he needed, it just took off.

But then we would run into problems. We would run into teachers having to move on because they had bills, and they had goals. And they had opportunities that they wanted to do. But they didn't have enough money to do what they wanted to do.

I still believe that there are certain jobs in this world that you have to have a calling for. I believe that educators are people who have to have a passion to do what they do.

So many teachers are working above and beyond, just to stay afloat. So many teachers are having to deal with not just the children, but the parents who have been broken.

Most of our hurt comes in our childhood. And if there's nobody to explain or to help us through this, what do we do?

I am so proud of my son today. I am fortunate that my son, I was told that I had to do everything, I was told by a lady that I had to do everything a particular way because he's on the autism spectrum.

He's got to do everything the same way every day. And I was like no, I can't do that. That's not the way the world works.

And then I had to come up with this thing and it's not going to sound too good, but I had to come up with this thing that the world don't give a damn about autism.

Now, how do I raise my children, my son, in a world that doesn't give a damn about autism? What happens when he gets stopped by the police and he's 6 feet 3 inches tall, and he's 200 and something pounds, and he doesn't speak fast enough? What happens?

Is the police officer trained to deal with a person that's on the autism spectrum? You start thinking about things almost from a negative standpoint, to get to the positive.

I was a bit nervous coming here. I was what can I say, what can I do to impress upon the masses to hear the necessity that we have in our school systems?

And I'm going to just share this story with you. When Joshua got the help that he needed on that day, I came out into the parking lot of North Springs Elementary School, and I cried.

I couldn't stop crying. I cried not because my son got the help that he needed, but I cried because there's a child inside the school system that ain't nobody going to bat for. Nobody's standing up for him.

Now, you're on a panel. You get paid enough money to do what you do. And if you didn't get paid enough money to do what you do, you wouldn't be on the panel.

We have to find ways to make sure all children, all children, have an opportunity. Because every child is a gift. Every child is a gift.

The hope that's in a child is unimaginable. But children have no say-so on who their mother and father is.

It's only by the grace of God that they get a good mom, or a good dad, or a great grandma, or a great uncle.

My son has been surrounded by grandfather, grandmother, great-grandmother, cousins, and everybody sowed seeds into his life.

So we just don't sit here alone. We don't sit here alone. I just want you all to understand that you have a huge responsibility. You got to listen to a lot of people, and I was so overjoyed to

hear the teachers with passion. I love to hear that.

But the opportunity that these kids have in this world today with the world changing so fast, and social media, it's hard.

Imagine doing it on the autism spectrum. And we keep trying to tell my son you're just like everybody else, but we live in a world where it seems like nobody wants to be an individual.

But I'm trying to encourage my son to be the best Joshua Woods that he can be.

Thank you for your time.

CHAIR GARZA: Thank you so much. Thank you for those words.

We're going to turn to Mr. Rodriguez, if you're ready to start.

MR. RODRIGUEZ: Thank you, Madam Chair and members of the committee. My name is Robert Rodriguez, I'm a proud middle school special education teacher from California. And I'm honored to be following the Woods family. As a teacher in a public school, hearing their story of success really gives me hope. And really gives me passion and power to be able to speak with you here today.

I teach in San Bernardino, California, in a district that services 50,000 students. We have the

full range of POS student population. English learners, socio-economically disadvantaged, special education.

We also are a standalone SELPA, Special Education Local School Planning Agency, so we offer the full gamut of continuum of services within special education programs.

That is a benefit to being an educator in a space like that. It's also a burden because of the staffing crisis that we face in our country.

I am also a proud member of the National Education Association, which represents 3 million educators across the United States, and around the globe in all of our Department of Defense schools.

And we're unified under a common vision, which is a great public school for all students. I enter that into this space because it was my union that gave me a voice, and actually gave me an opportunity to be here.

And I wouldn't be able to speak on behalf of my students with disabilities or their families, without that type of agency behind me.

I'm honored to speak today on this topic because it is something that is near and dear to my heart. And also has impacted me in my almost 20 years

as a classroom teacher.

My testimony is based on my experience as an educator working directly with students with disabilities, and their families.

I have experienced first-hand the impacts of the educator shortage on students with disabilities, their families.

Some of the predatory behaviors I've seen with voucher programs that make false promises, and also the systematic targeting of students with disabilities, and students who come from ethnically diverse backgrounds.

My testimony will also include the benefits I have seen in working with my union, and other educational professionals in helping to support my school district in meeting the needs of students with disabilities, and protecting them against some of these practices that we see throughout the country.

And lastly, my testimony will offer some recommendations to you all, from my perspective of what I've seen in the classroom for addressing the educator shortage, which does include the funding that we do need in addition to what our states offer.

In California, we do a great job of passing laws and legislations, and tax increases, and

things to fund our schools. But what we're doing is we're offsetting the federal costs that aren't fully funded right now.

And so, we know that trying times are coming ahead of us. We need to continue to seek that funding for these programs, so that we're not offsetting general fund balances.

We also need to become really creative, I like that question from the previous panel, about what we do to be more incentivizing of the program. Teacher preparation programs, pathway programs.

There was a comment made in the previous panel about CTE, career and technical education, and how we can use those dollars.

We can't use them for teacher pathway programs. That's something that we need to consider needs to change so that we are growing our own, and bringing them into our communities so that we increase the teaching workforce with a special emphasis on special education.

Also, apprenticeship programs. We're seeing that starting to really pop up across the country.

I know in California, we're looking at a way to get that up and running. My colleagues in

Washington state have found a way to do that. And so, there are answers out there.

And last, I would be remiss if I didn't say we do have to look at addressing the teacher workload program.

While the teacher burnout rate in California is about 5 years or less in special education specifically in my district, you're looking at 2 years, 2-3 years for that burnout rate.

My teaching career began in July of 2005. I was a 1st grade teacher teaching general education. I was assigned to our second largest school in my district. We had just under 1,000 kids, and I was one of nine teachers in my 1st grade level.

As a recent graduate, I was really excited to apply all the knowledge I had gained from my undergraduate degree.

But I quickly learned that I was not fully prepared for the journey ahead. That year, I had a student who we later identified as having multiple learning disabilities.

That year, I experienced what it was like to serve on a multi-disciplinary team to assess a student, and to have him qualify for special education services.

It was through that experience that I decided to switch educational programs and pursue my graduate work in special education, and receive my credential and my master's degree.

Over the next 18 years, I've taught several students with disabilities and partnered with many families to work together to meet the student's individual needs, in multiple teaching settings.

I've taught in a self-contained special day class for students with mild-moderate disabilities.

I've also taught in the recent -- resource specialist program, more of a pull out service model. And I've even done the inclusion model where I have co-taught with other of my colleagues, mostly in math.

Each year has become more challenging to access the services needed to meet the demands of my students due to the lack of funding, and a shortage of in-school personnel.

So that includes speech therapists, school psychologists, counseling services, and paraprofessionals in the classroom to provide that reinforcement and support.

Some years, I'm the only special education teacher on campus with no additional in-classroom

support.

This impacts the teacher-to-student ratio, and the quality of one-to-one or small group instruction that can occur.

And it's heartbreaking to not be able to provide the direct support that I know is best for the student, due to the lack of these additional support staff.

My own anecdotal experience has led me to know that no computer program or online program, can supplement the services that we can provide in the classroom.

My own experiences have also led me to know that the number of students per classroom and the teacher, makes a huge difference in the quality of instruction a student can receive.

And finally, my own experience has led me to know that there's no substitute for a trained, credentialed teacher or support staff in our public schools.

I do want to note that there is a place for hybrid learning. We learned that coming out of the pandemic, that there is some students that benefit, even students with disabilities, in that remote learning practice.

And I want to give an example from one of a colleague of mine, Ms. Carrillo, who is a 6th grade teacher, who talked about receiving, having a student who is in-home hospital program, so they have multiple physical disabilities.

They are in a hospital, and so traditionally you would go and provide the services at whatever facility they are at.

The pandemic had us all on hybrid so the kid was issued a computer, and was assigned to her remote classroom.

And so what that did for that student, is it exposed him to be able to have those peer relationships with his other colleagues.

And so, I just wanted to put that into this space of another example.

I am running out of time but I do want to reference my, in my testimony you will see my recommendations that I have there for you, so please look them over if you have time.

And I'm happy to answer any additional questions, which will lift up the funding that we need for schools, as well as the ideas for pathway programs.

And lastly, we need to really look at the

accountability measures that we have for public schools, as well as some of these other voucher programs.

If it's good enough of a requirement for a public school, it should be good enough of a requirement for everyone else.

Thank you.

CHAIR GARZA: Thank you so much for your testimony, Mr. Rodriguez. And thank you to all of our panelists for your comments here today.

We're going to open it up to Commissioners for questions. If anybody would like to be recognized, happy to recognize anyone.

COMMISSIONER GILCHRIST: Madam Chair, I do want to be recognized.

(Laughter.)

CHAIR GARZA: All right, Commissioner Gilchrist.

COMMISSIONER GILCHRIST: I know I said earlier that I would not say anything --

(Simultaneous speaking.)

CHAIR GARZA: For the rest of.

COMMISSIONER GILCHRIST: But in the essence of full disclosure, I didn't know we had some additional South Carolinians on the panel, on the last

panel, so may I?

CHAIR GARZA: Of course.

COMMISSIONER GILCHRIST: Madam Chair?

CHAIR GARZA: Of course, you can.

COMMISSIONER GILCHRIST: Thank you for just a minute.

Let me thank all of you for a great close out here today. I think we've learned a lot to help to inform us about what we need to do going forward.

There are three people on this panel that are from the great state of South Carolina. Ms. Lockerman, Mr. Woods, and little Mr. Woods, and Ms. Woods back here. We're so delighted that you guys are here.

Mr. Woods, I want to ask you a question. I just listening to you, my child recently went through a little situation and I'm not going to get into that today, but what I would ask you is, what can parents do to ensure that their children can get what they need whether it's in the public system or the private system, when it comes to children that are on the spectrum?

Any advice on that?

MR. WOODS: My advice to advocate, man.

COMMISSIONER GILCHRIST: Uh huh.

MR. WOODS: You are their voice.

COMMISSIONER GILCHRIST: Uh huh.

MR. WOODS: Nobody can speak for him like you can. My wife Sandra and I, even with my daughter Jessica, excellent basketball player, excellent student.

Son, excellent student. Can bake cinnamon rolls out of this world, decided he wanted to bake. And for some reason, he always watched The Food Network.

Now I see my goal, and let me just say this. I want to make sure I say this and he's heard me say this before.

There's nothing in me that tried to raise him to hide autism. My prayer for my son is that my son will be able to speak through his situation, to help somebody else along the way.

So, when I see a father because we all, we all, no matter whether your son or your daughter, we all have ambitions for our children, do you understand?

And my ambitions haven't changed for him. As a matter of fact, because I know what his potential is, I'm expecting a whole lot more from him.

COMMISSIONER GILCHRIST: That's right.

MR. WOODS: But when you asked the question what can I do, there's no voice, and that's what made me cry that day in the car.

How many kids are falling through the holes because they have nobody to advocate for them? Not that they, and then they may have somebody but they don't know how to advocate.

I remember, I don't know it feels like it came from this. There was a time when we had, that y'all started, well, I want to say in the education, they started this thing where we had to memorize 6x6 and 7x7.

And then, the did this thing where you had to show your work. Who started that? It was called something. You got to show your work. You got to show 6x6. And then they brought that homework home and I helped my son one time, and he took that thing back to school and it wasn't right. He didn't talk to me for a week.

So when you asked the question, just advocate, man. Fight the battles. Because what I always wanted my children to understand is I got your back.

I'm going to fight for you. I'm going to live for you, and I will die for you. No questions

asked.

But just make sure that when I come to that school, that your i's are dotted and your t's are crossed.

COMMISSIONER GILCHRIST: That's right.

MR. WOODS: So when it comes to a situation with your son, advocate for him. And when children speak up, sometimes children they want to protect their parents.

COMMISSIONER GILCHRIST: Uh huh.

MR. WOODS: And I can't tell my dad, I can't tell my mom because. But I had to make sure my children understand it's not your job to protect me. It's not your responsibility.

COMMISSIONER GILCHRIST: Uh huh.

MR. WOODS: So if there's something going on, make me aware of it. I may not handle it the right way, but give me an opportunity to handle it.

And I cannot say this, I don't want to offend any other religion. I am where I am with my children solely because of Jesus Christ.

I have seen the Lord work in my son's life in tremendous ways. We are in Washington, D.C., speaking on a panel and my son did a brilliant job.

(Applause.)

MR. WOODS: So, just advocate, man, just advocate.

COMMISSIONER GILCHRIST: Well, no, thank you for that. And Joshua, you did a excellent job. I can't wait for all of us to get back to South Carolina.

But thank you for that, Mr. Woods, I really appreciate those comments.

Madam Chair?

CHAIR GARZA: No problem.

Commissioner Magpantay?

COMMISSIONER MAGPANTAY: Mr. Woods, I just wanted to make, state of Virginia. Just wanted you to know that your words as someone who has testified before the United States Commission on Civil Rights, is an opportunity that very few 17-year-olds have in this country.

Your comments will be delivered to the, under our authority under federal statute, to the Congress and to the President.

I want to ask you one very important question that will require all your thinking and knowledge.

What do you want to do when you grow up? Where do you want to be, and know that you could be

anything?

What do you want to be?

MR. WOODS: Well, as my father said, I bake so my plan for college is to go to Johnson & Wales University, and --

COMMISSIONER MAGPANTAY: Oh, we're talking after this. My kid goes there, actually.

(Laughter.)

CHAIR GARZA: Johnson?

MR. WOODS: Yes, so my plan is to go to Johnson & Wales, and I plan on majoring in baking and pastry arts.

And so, my plan when I get, my plan when I have enough money is to like, is to own my own bakery, and so.

CHAIR GARZA: Love that answer.

PARTICIPANT: All right, very good.

CHAIR GARZA: That's wonderful.

MR. WOODS: When we're having lunch, we're going to his place.

(Laughter.)

CHAIR GARZA: Well, thank you. I'm on a personal level, I just have to say how touched I am to see you as a family here.

And really grateful for you doing this,

and contributing to the conversation. I think that you all, this has contributed so much understanding your personal experience.

It colors everything that we've been hearing today, and really fills it in.

I did have a question for Mr. Rodriguez. I know you alluded to some recommendations that you had, and I wanted to give you an opportunity to uplift that.

However, I did want to ask you about any returning special ed students that may have gone to a different school system, maybe a charter school, some other program, and then have returned to public school.

If you want to give us an idea of what that looks like. And are there any additional challenges that those students have faced in getting to where they need to be?

MR. RODRIGUEZ: Yes, and thank you, Madam Chair.

There's what we've seen in San Bernardino and in some of the surrounding communities, is the creation of charter schools using, we have a very prolific law in California.

And so, what happens is people get the

idea that we want to create choice, which sounds good. And by the way, I'm not against that. I think families should have choice within our public schools.

And I also think they should have choice, period, but I don't think they should go outside of a public school to have those choices.

We need to do a better job of creating that in there. What we have is the formation of separate schools being done and okay, they have the right to do that.

And then oftentimes, they have the actual realization of what is required to provide the full services for students.

So, I have had students from my own class and they say oh, I'm going to go to XYZ school and it's kitty-corner to where I'm teaching.

Okay, well, we're going to miss you and then they said and we're going to go into, I'm going to be a regular student now, and I'm going to be in regular class.

I'm like well look, you are a regular student. You are in regular classrooms, we're just addressing our specific needs.

Having a disability, being in a program, does not make you, sure there has a different way of

learning. And lifting that up.

And so, I'm actually really triggered by when they're told these false promises of it's going to be fine, and you're going to go.

And then two months later when this charter school figures out that they can't provide those services, sends them, tells the parents you're better off taking your kid out of here and them coming back.

And we welcome them with open arms and say come back, but there is an emotional trauma there about reorienting them into the school.

And having that deep-dive conversation about having, what it means to have a disability. And what it is to still be a productive member of society.

And if anybody has any doubt of that, this young man right here just disproved that quite quickly.

And so, that was one of the things that I've spoken up again. I do again want to lift up. I think in the public schools we talk about this a lot.

If something's wrong, we've got to fix it. And every parent, family, and community, should feel that they have agency to lift that voice up. And then we need to do a better job of responding it.

So when we talk about accountability, what's missing, and what do we need to put in place so that my students, our kids, are successful within that school setting.

But I did include that in the testimony.

CHAIR GARZA: Thank you so much for that.

PARTICIPANT: Commissioner Adams wants to, oh, no, go ahead. I'll go after you.

CHAIR GARZA: Okay, Commissioner Adams, do you want to be recognized?

COMMISSIONER ADAMS: Thank you.

CHAIR GARZA: Yes, go ahead.

COMMISSIONER ADAMS: Sir, a couple questions for you.

Are you at all familiar with some of the programs in Catholic schools where they have like for example, John Paul the Great, in Prince William County, has something called the Options Program.

Where children with moderate and intellectual disabilities are there within the regular student population, in a special program.

You wouldn't have any problem would you, with parents sending their kids to that sort of program, as I understand it?

MR. RODRIGUEZ: Again, I don't have a

problem with anybody. I'm Catholic. I'm well aware with Catholic school programs. I'm also in special education. If a student would have come to a public school, we're a standalone SELPA and need services, so I did have to go to a Catholic school and provide that to them to do the assessment, because we are still responsible as the local planning agency.

So, we do work in partnership with religious schools. And we do provide those services within that. I don't know about the one you specifically spoke about.

COMMISSIONER ADAMS: Right.

MR. RODRIGUEZ: I could certainly look into that and we can follow up.

COMMISSIONER ADAMS: You testified about your membership in the NEA. And we had a prior panelist and I didn't get to ask the question to. I think it was from the American Federation of Teachers.

What is the difference between the two?

MR. RODRIGUEZ: We're both labor unions, and we both represent educators, public service employees. They are my union siblings.

COMMISSIONER ADAMS: Right.

MR. RODRIGUEZ: So --

(Simultaneous speaking.)

COMMISSIONER ADAMS: Right, that's the similarities between the two.

MR. RODRIGUEZ: Yes.

COMMISSIONER ADAMS: My question was what is the difference between the two?

MR. RODRIGUEZ: Well, we have different names. So that could be one thing.

(Laughter.)

COMMISSIONER ADAMS: So there's nothing else? I mean --

MR. RODRIGUEZ: We have different jurisdictions in some areas. There's laws in which we could just how the process for pulling cards and signatures. In some states we're merged, so we are the same.

COMMISSIONER ADAMS: Okay, last question. You warned -- or I don't want to if I can scroll backwards. But you said you didn't want students necessarily having an opportunity, to use your term, to choose to go to the private school. And I'm wondering what the downside to that is?

MR. RODRIGUEZ: I think our country, I think public school is the cornerstone of our democracy. I think we were founded on those principles. I think every American that is paying

taxes, that pays into the system that we have these great public schools, that we have a responsibility to deliver that.

And so, my first choice would be to ensure that we fully fund the schools, that we partner with parents and communities, and that we give the necessary services that are needed so that people don't have to do that.

Now, ultimately, if people choose because people want to be -- they prefer a religious education, that's fine. That's their preference. I did say that I didn't dispute the idea of choice. But I do my preferences that we make sure that we provide everything we can in our public schools.

COMMISSIONER ADAMS: Yes.

CHAIR GARZA: Thank you. I believe we have time for one more question, and that will be you, Mondaire, Commissioner Jones.

COMMISSIONER JONES: Yes, it's more of a comment. First of all, I want thank again my colleague, Commissioner Gilchrist, for conceiving of this really important topic. I thought today went very well, Madam Chair.

We've heard a lot of testimony. We've heard from 22 different panelists today. Panelists

who have been invited by the Republican Commissioners on this body; the Democratic Commissioners; and, OCRE.

And not a single person, not a single person suggested that there is no teacher shortage in America with the exception of one panelist earlier today. And that would have been Mr. Max Eden, a senior fellow at the American Enterprise Institute.

And so, as we consider all the testimony today for our report, I think it's really important to consider that as we decide whether to credit the rest of his testimony in whatever work product we produce.

And I'll just -- I'll leave it at that.

CHAIR GARZA: Well --

COMMISSIONER GILCHRIST: Do I get to say something else, Madam Chair?

CHAIR GARZA: You can have the last word.

COMMISSIONER GILCHRIST: Okay.

CHAIR GARZA: But I'm going to close us up.

COMMISSIONER GILCHRIST: Yes, that's fine.

CHAIR GARZA: Go ahead.

COMMISSIONER GILCHRIST: So, I just wanted to quickly ask Ms. Legge and Ms. Lockerman --

CHAIR GARZA: Well, I thought it was a comment.

COMMISSIONER GILCHRIST: Oh, okay, I can make a comment.

CHAIR GARZA: Yes, because we're -- I'm trying to keep us on time.

COMMISSIONER GILCHRIST: That's okay. Well, let me just say this. I think -- yes, I thought it was 5:00. I think this has been an awesome day for the testimony that we've received.

I think the panelists, all panelists have given us just some wonderful information for us to go back and not only study, but to inform us about what this particular hearing will produce.

But I want to say to you to continue to do the work. It's going to take those of us who recognize the importance of what Mr. Woods just said a moment ago, and that's the need to continue to advocate for our children. And to speak up when we know that things need to be done in public education, in ways that you demonstrated here today.

So, I just want to thank my fellow Commissioners. Madam Chair, thank you for allowing me to recognize my South Carolinians today.

And I want to thank you, all of my Commissioners and everybody who came together to help pull this off today. So, with that, I'll yield back

the balance of the time.

CHAIR GARZA: All right. Well, I do want to just note for -- again, thank you all for being here. I do want to note that this report and I'm very grateful for Commissioner Gilchrist putting this together.

But this report really came about because we have state advisory committees that have been looking into this issue.

And this is in response to kind of what we have been hearing from folks on the ground. And I look forward to seeing what all of this looks like once we put this report together.

But I want to say that I genuinely appreciate the support that you've given to public education, to students with special needs, to advocating for your children, to advocating for rural communities.

And advocating for what you believe is right for your children, right? I think all of that is critically important, and I appreciate your time. And I'm sure that the folks that are at home looking at this and watching this, appreciate everything that you have said.

So with that, I am going to bring this

hearing to an end. And as a reminder for the record for this briefing, the public comment period will remain open. So if there is public comment out there, it will be open until December 15.

If panelists or members of the public would like to submit materials for our consideration, which we welcome, you may mail those materials to the U.S. Commission on Civil Rights, Office of Civil Rights Evaluation, 1331 Pennsylvania Avenue, NW, Suite 1150, Washington, D.C. 20425. Or you can send it by email to teachershortage@usccr.gov.

And I ask that our attendees move any continuing conversations outside of the hearing room so our staff can complete any logistics that are necessary to close out.

And so, having concluded this Public Briefing on the Federal Response to Teacher Shortage Impacts on Students with Disabilities, I hereby adjourn this briefing at 4:37 p.m. Eastern Time.

Thank you all so much.

(Whereupon, the above-entitled matter went off the record at 4:37 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Business Meeting

Before: US CCR

Date: 10-15-24

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

Neal R Gross

Court Reporter