

## 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

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ADJOURN MEETING

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

2 (10:01 a.m.)

3 INTRODUCTORY REMARKS

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

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

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

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

25 CHAIR GARZA: Yes, loud and clear.

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

3 COURT REPORTER: Yes, present.

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

8 MR. MORALES: I am present.

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

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

1 and he felt our love.

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

11 My parents' persistence led to Robby's  
12 enrollment in a public school that provided an  
13 appropriate environment for him. And he was very  
14 lucky to have some incredible special education  
15 teachers until he passed away at the age of 23 in  
16 2003. Today, the persistent shortage of qualified  
17 special education teachers has stood in the way of  
18 meaningful support for students like my brother.

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

1 rights.

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

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

25 We have a very full agenda with four

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

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

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

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



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

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

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

1 development.

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

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

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

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

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

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

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

1 period of time.

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

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

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

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

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

8 DR. HANUSHEK: Hanushek.

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

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

24 PANEL 1: PUBLIC EDUCATION IN THE  
25 POST-PANDEMIC ERA

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

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

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

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

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

3 Many of these underqualified teachers have  
4 little to no training in how to teach or they do not  
5 know the subject matter. The most recent data  
6 suggests there are at least 400,000 underqualified  
7 teachers in the United States, 400,000. This is more  
8 than 10 percent of the existing teacher workforce.

9 Contributing to these staffing challenges,  
10 we also have seen a substantial increase in teacher  
11 turnover, a remarkable decline in the supply of new  
12 teachers. After the first year of the pandemic,  
13 teacher turnover has increased by 40 to 50 percent.  
14 At the same time, enrollment in teacher preparation  
15 program has dropped from 700,000 in 2020 to 400,000 by  
16 2020.

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

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

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

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

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



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

5 One limitation is that there's poor data  
6 infrastructure such as the lack of a national database  
7 that collect information on teacher shortages. What  
8 we know about teacher shortages nationally largely  
9 come from my work and my team in our annual effort to  
10 collect and validate this data and make this data  
11 publicly available at [www.teachershortages.com](http://www.teachershortages.com). And  
12 our limitation is what we know about teacher shortages  
13 nationally are not specific to special education.

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

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

1 that would allow rapid collection of teacher labor  
2 market challenges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 We now have pretty consistent evidence on  
12 what was the magnitude of the loss that was suffered  
13 in learning where loss is compared to what we would  
14 expect given what previous students had gained. The  
15 National Assessment of Educational Progress, NAEP,  
16 provides us consistent estimates of learning both in  
17 2020 before the pandemic and in 2023 after the  
18 pandemic. And if we look at just eighth graders that  
19 are 13-year-olds in math in 2023, NAEP tells us that  
20 they are nine NAEP scale points lower than they  
21 would've been -- what we would expect on the basis of  
22 2020 evidence.

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

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

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

10 And this will stay with them unless we do  
11 something about it immediately. For the nation, it  
12 amounts to a loss -- a lower quality workforce in the  
13 future because of less skills in schools. This  
14 translates into 31 trillion dollar loss in GDP or  
15 equivalent to, like, six times the total loss from the  
16 2008 recession.

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

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

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

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

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

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

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

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

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

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

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

25           CHAIR GARZA: Thank you so much. We're



1 going to go ahead and hear from Mr. Trachman.

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

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

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

25 But now the U.S. Supreme Court had granted

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 I'm a certified special education teacher  
13 and a board certified behavior analyst. For the past  
14 20 years, my scholarship and practice has focused on  
15 preparing special education teachers in the knowledge  
16 and skills needed to increase self-efficacy and  
17 decrease teacher burnout. This task has become  
18 increasingly more challenging after COVID.

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

1 teaching has declined nearly 40 percent since 2010.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 likely to hire underqualified teachers due to the  
2 shortage.

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

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

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

1 of students with disabilities.

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

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

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

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

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

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

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

1 double them.

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

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

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



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

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

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

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

1 simply shift cost to families.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 And it would jeopardize the now quite

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

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

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

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

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

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

6 DR. HANUSHEK: Absolutely.

7 COMMISSIONER JONES: Yeah.

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

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

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

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

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

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

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

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

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

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

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



1 when it comes to providing public education.

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

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

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

1 COMMISSIONER ADAMS: Yes.

2 CHAIR GARZA: Go ahead.

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

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

12 COMMISSIONER ADAMS: Okay.

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

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

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

25 COMMISSIONER ADAMS: What is a school

1 privatizer?

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

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

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

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

16 MS. LEVIN: So in the IDEA and Section  
17 504, there are protections for students with  
18 disabilities in public schools against unfair or  
19 unnecessary discipline that would be caused by their  
20 disability and therefore they shouldn't be punished  
21 for. So for example, a child who has an emotional  
22 disability shouldn't be punished for behavior that  
23 might result from that emotional disability. So in  
24 the IDEA and other laws, there are protections. Like,  
25 if a student is suspended from school for a certain

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

5 COMMISSIONER ADAMS;; That's all I have.  
6 Thanks.

7 CHAIR GARZA: Vice Chair Nourse?

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

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

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

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

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

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

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

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

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

1 students are located.

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

14 VICE CHAIR NOURSE: Mr. Nguyen?

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

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

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

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

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

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

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

1 that?

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

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

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

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

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

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



1 you're burned out.

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

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

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

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

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

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

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

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

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

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

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

1 a lot of the inequities that you saw.

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

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

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

25 DR. NGUYEN: So I want to answer that

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

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

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

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

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

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

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

25 I don't think that this is the place to

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

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

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

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

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

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

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

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

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



1 testimony?

2 COMMISSIONER JONES: They were invited.

3 COMMISSIONER GILCHRIST: But they're not  
4 here.

5 COMMISSIONER JONES: They've declined to  
6 come.

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

14 COMMISSIONER ADAMS: But if I might --

15 COMMISSIONER GILCHRIST: Go ahead,  
16 Commissioner.

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

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

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

1 this Commission have subpoena power?

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

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

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

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

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

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

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

17 COMMISSIONER ADAMS: You weren't.

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

25 But I want to ask the panel just one

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

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

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

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

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

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

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

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

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

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

1 a.m.)

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

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

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

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

1 our questions and comments concise.

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

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

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

20 PANEL 2: TEACHER SHORTAGES

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1 Act.

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

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

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

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

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

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

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

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

1 conclusion of the panel's presentation. Thank you.

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

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

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

15 So first, let's examine the premise that  
16 there even is a teacher shortage. First question:  
17 compared to what? Compared to the past? Compared to  
18 other countries? No, and no. The student-teacher  
19 ratio has fallen substantially over the decades, from  
20 27 to 1 in 1955, to 17 to 1 in 1995, to 15 to 1 in  
21 2021.

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

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

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

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

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

1 special ed student.

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

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

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

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

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

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

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

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

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

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

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

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



1 that then you would need money to open them.

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

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

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

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

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

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

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

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

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

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

1 in the United States.

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

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

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

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

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

4 The teacher shortage also widens  
5 educational gaps, and the pandemic continues to deepen  
6 disparities for disabled students. Public school  
7 enrollment fell three percent from fall 2019 to fall  
8 2020, while students served the Individuals With  
9 Disabilities Education Act, or IDEA, decreased by one  
10 percent.

11 By 2023, IDEA services reached a record  
12 7.5 million students. Teacher shortages have worsened  
13 these disparities, leading to classroom consolidations  
14 and reliance on untrained substitutes, impacting  
15 education quality, and leaving students with  
16 disabilities academically, socially, and emotionally  
17 behind.

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

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

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

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

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

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

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

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

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

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

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

1 enforcement will also address this issue.

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

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

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

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

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

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

15                   CHAIR GARZA: Thank you, Ms. Simms.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

13 In raw numbers, as has been mentioned  
14 already, the figure represents some seven and a half  
15 million students. It also represents a nearly 20%  
16 increase in children served under IDEA since the 2000-  
17 2001 school year. Still, the growth in the share for  
18 children with special needs -- I'm sorry, the share of  
19 teachers for children with special needs has been  
20 remarkable.

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

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

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

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

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

1       only 8%.

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

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

18                   Policymakers should redirect spending from  
19       ineffective programs and administrative positions to  
20       implements these initiatives instead of requiring new  
21       taxpayer spending. Hawaii officials have offered a  
22       \$10,000 stipend for educators willing to work with  
23       children with special needs.

24                   Again, state officials should demonstrate  
25       fiscal responsibility by eliminating ineffective

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

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

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

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

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

25 MS. PATRICK: Good morning, and thank you

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

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

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

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

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

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

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

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



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

6           Additionally, the Covid-19 pandemic has  
7 had a profound impact on student mental health,  
8 leading to a surge in cases of major depressive  
9 disorder and generalized anxiety disorder. More than  
10 6,000 local education agencies responded to this need  
11 by devoting school rescue funds to obtain licensed  
12 practitioners and professionals to deliver mental  
13 health support to students and staff.

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

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

25           When students with disabilities miss

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

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

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

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

1 education plans as they would in a public school.

2 I repeat what was stated earlier, a U.S.  
3 Government Accountability Office report revealed that  
4 83% of these families participating in voucher  
5 programs are unaware they're forfeiting their rights.  
6 Even voucher programs that exclusively serve students  
7 with disabilities fail to serve all students with  
8 disabilities.

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

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

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

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

25 DR. VASQUEZ HEILIG: Heilig.

1 CHAIR GARZA: Heilig.

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

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

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

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

1 challenges, especially in special education and in  
2 urban districts.

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

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

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

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

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

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

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

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

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

1 actually more diverse.

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

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

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

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

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

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

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

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

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

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

25 This approach to financial support,



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

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

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

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

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

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

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

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

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

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

23 COMMISSIONER GILCHRIST: Madam Chair?

24 CHAIR GARZA: Yeah, Commissioner  
25 Gilchrist, go ahead.

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

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

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

15                  MS. PATRICK: The job of educator.

16                  COMMISSIONER GILCHRIST: The job of  
17 educator.

18                  MS. PATRICK: The educators.

19                  COMMISSIONER GILCHRIST: In the school?

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

25                  COMMISSIONER GILCHRIST: And if those

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

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

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

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

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

14 MS. PATRICK: Correct.

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

18 MS. PATRICK: Correct.

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

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

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

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

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

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

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

1 want to speak to that, anybody?

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

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

11 COMMISSIONER GILCHRIST: Okay, anybody?

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

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

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

1 to flow into the pockets of teachers.

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

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

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

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

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

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

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

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

11 CHAIR GARZA: Just go ahead, follow up.

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

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

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



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

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

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

12 COMMISSIONER GILCHRIST: Thank you, Madam  
13 Chair.

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

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

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

1 for Ms. Patrick as well.

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

6 CHAIR GARZA: Yes.

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

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

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

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

1 individuals with disabilities and the importance of  
2 fulfilling their needs.

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

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

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

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

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

1 jobs.

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

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

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

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

25 I think that at the root, it is the local

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

8 CHAIR GARZA: Mr. Eden?

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

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

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

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

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

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

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

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

25 COMMISSIONER JONES: Yeah, thank you for

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

8 Is that correct?

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

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

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

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

25 And so there are many examples of private

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

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

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

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

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

25 And so it is often a final resort when a



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

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

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

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

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

20 CHAIR GARZA: Sure, go ahead.

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

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

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

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

14 CHAIR GARZA: Would you like -- go ahead.

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

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

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

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

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

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

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

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

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

5 CHAIR GARZA: Commissioner Magpantay?

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

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

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

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

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

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

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

15 MS. PATRICK: May I respond?

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

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

19 (Simultaneous speaking.)

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

25 And so the least restrictive, for example,

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

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

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

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

15 COMMISSIONER MAGPANTAY: I would love to  
16 hear the --

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

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

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

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

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

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

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

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

25 Panelists, please notice the system of

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

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

10 Terita Gusby, CEO and founder, Education  
11 Prescriptions.

12 Sepi Seyedin-Elahian --

13 MS. SEYEDIN-ELAHIAN: Elahian.

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

16 Beth Ackerman, Senior Vice President,  
17 Rivermont Schools.

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

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

24 (Chorus of I do.)

25 CHAIR GARZA: Wonderful, thank you. We're



1 going to go ahead and begin with Ms. Tang.

2 PANEL 3: FROM THE FIELD: EDUCATORS

3 ON THE TEACHER SHORTAGE

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

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

21 Now how did we get here? Teachers and  
22 school staff have been struggling for years with the  
23 lack of professional respect. Inadequate support and  
24 resources, subpar compensation, plus growing student  
25 loan debt, an excess of paperwork and a culture of blame

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

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

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

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

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

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

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

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

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

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

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

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

10 The good news is that there are solutions  
11 to the broader teacher and school staff shortage. In  
12 2022, as a member of the AFT special teacher and  
13 school staff shortage taskforce, we held listening  
14 sessions, membership surveys, research analysis and  
15 interviews with key education experts all around  
16 diversity and shortages and how to revitalize the  
17 education profession. This is the report here.

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

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

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

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

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

1 savings accounts, or other names.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 special education.

2 In America, educators are simply walking  
3 away from the profession leaving schools scrambling to  
4 fill positions, sometimes by hiring under qualified or  
5 temporary staff. The problem, the percentage of  
6 public school students who receive special education  
7 services has risen over time. Reached 15 percent in  
8 '22, '23.

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

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

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

1 creates an opening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

1 opportunity.

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

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

12 I worked for Rivermont Schools early in my  
13 career, it was my first classroom actually in the mid-  
14 '90s as a special ed teacher, and then became  
15 principal. And then I later returned to Rivermont  
16 School in 2018 to take the senior vice president  
17 position.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

25 Serving both in public schools,

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

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

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

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

21 The departure of teachers from the  
22 profession is a global issue not just confined to the  
23 United States. Research shows that from statistics in  
24 2016 underscored the need to recruit approximately 69  
25 million teachers worldwide.

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

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

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

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

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

6 (Laughter.)

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

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

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

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

7 Their data shows that in the spring 2022  
8 36 total education graduates, out of those 36, zero  
9 were special education graduates in the fall of 2022  
10 and 2023. They shared that in the spring of 2023 and  
11 2024 hoping that, I thought this data may look  
12 different for you, 42 education graduates graduated.  
13 And so I was excited to see how many would be special  
14 education. One was a special education graduate.

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

19 Another factor that impacts the crisis is  
20 an increase in students with disabilities impacting  
21 states across the nation. I'll give you an example in  
22 2020. Topeka Public Schools was providing services to  
23 2,918 students with disabilities in 2024. We were  
24 providing services to 3,075 students.

25 The services are required under IDEA. And

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

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

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

19 So let me give you some solutions in these  
20 last few seconds that I have. We have been recruiting  
21 in creative ways. Everything from the parent, teacher  
22 programs, the teacher transition programs. We've  
23 recruiting internationally, but that costs about  
24 \$10,000 a person to fill these spots, so that is  
25 certainly not sustainable.

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

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

8 (Laughter.)

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

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

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

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

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

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

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

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

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

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



1           You know, when I was by myself with over  
2   30 students with not enough books and not enough time  
3   to meet the individualized needs of all my students,  
4   even though I tried desperately to get them everything  
5   they needed, I just didn't, there is just not enough  
6   time in the day to get to each one of them as, with as  
7   much time as I wanted to and attention.

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

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

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

3 And I'm coming from a place in  
4 Massachusetts where we thought 800 was bad for a  
5 teacher shortage in Massachusetts, but I have talked  
6 to colleagues across the state and we're talking about  
7 4,000, 2,000. And we're just talking teachers, we're  
8 not even talking about OTs, PTs, SLPs, BCBAs, ABAs  
9 that are also needed.

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

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

19 (Laughter.)

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

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

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

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

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

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

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

1 good job. And those are our children.

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

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

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

25 And I always also say that we have to give

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

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

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

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

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

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

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

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

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

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

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

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

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

25                   My own classroom where my students enter,

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

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

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

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



1 services.

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

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

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

11 COMMISSIONER GILCHRIST: Yes.

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

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

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

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

1 from teachers?

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

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

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

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

23 (Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

6                   COMMISSIONER GILCHRIST: Sure.

7                   MS. ACKERMAN: Yes.

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

11                   (Laughter.)

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

16                   DR. GUSBY: Yes.

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

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

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

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

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

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

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

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

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

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

22 (Laughter.)

23 CHAIR GARZA: All right.

24 COMMISSIONER GILCHRIST: But --

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

1 just kidding.

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

4 MS. SEYEDIN-ELAHIAN: Elahian.

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

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

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

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

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



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

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

16 And yes. And that goes right back to what  
17 I was talking to you about lunches. And they were,  
18 these students were, if I could just transport you all  
19 to that moment and these students were lined up, 12:30  
20 was lunch, it was 12:42 and they were still waiting in  
21 line to get lunches. And then they were asked to be  
22 quiet while they were waiting. We're talking about  
23 2nd graders, 3rd graders, 4th graders. 7, 8 and 9  
24 year olds.

25 And I walked by and I took a picture. And

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

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

9 COMMISSIONER GILCHRIST: Right.

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

13 COMMISSIONER GILCHRIST: Sure.

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

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

20 COMMISSIONER GILCHRIST: Sure.

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

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

5 COMMISSIONER GILCHRIST: Right. Anybody  
6 else?

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

9 MS. SEYEDIN-ELAHIAN: Elahian.

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

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

25 Because the reality is, we also have

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

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

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

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

19 (Laughter.)

20 CHAIR GARZA: All right, we're --

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

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

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

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

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

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

1 their principal.

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

10 COMMISSIONER GILCHRIST: Sure.

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

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

19 CHAIR GARZA: All right, well thank you.  
20 We're going to go to Commissioner Magpantay.

21 COMMISSIONER MAGPANTAY: I think it's  
22 marble, not ivory in the capital.

23 (Laughter.)

24 COMMISSIONER MAGPANTAY: But I am  
25 incredibly grateful for your service to your students,

1 and for your profession to career. As a parent and,  
2 you know, working with many special ed teachers and  
3 teachers, just thank you so much.

4 And put that into the chat so everybody on  
5 your Zoom has heard me say --

6 DR. ANDERSON: They're probably watching.

7 COMMISSIONER MAGPANTAY: -- thank you for  
8 your service.

9 I want to go back, I want to go to some  
10 solutions. We heard earlier, I'm hearing funding is  
11 an issue, salary, credentials. Ms. Tang talked a  
12 little bit about loan forgiveness programs. I want to  
13 talk about some alternatives.

14 What did you say, thinking out of the box,  
15 some alternatives to how we can address the crises of  
16 teacher shortages. And can you all, anybody can  
17 comment on loan forgiveness programs and how that's  
18 helpful? And your thoughts and recommendations.

19 MS. TANG: Sure. I mean, I visit schools  
20 all the time and I always liked it when, especially in  
21 high school be like, hey, who wants to go into  
22 teaching, right? And it's dismaying sometimes that  
23 students aren't interested.

24 And so, not only do we need incentives,  
25 like student loan forgiveness when it's so expensive

1 now to go to college, and then you are thinking about,  
2 you know, well, I want to be able to have a family and  
3 buy a house, but how am I going to do that when I am  
4 constantly paying off loans and getting paid lower  
5 than I would if I were taking a job in another sector  
6 that actually pays more, right?

7 And so we do need to think about  
8 incentives, not just, retention is super important,  
9 but so is the pipeline. And there are initiatives  
10 like teacher registered apprenticeship programs or  
11 student to teacher pathways that we do need to, I  
12 think grow and invest in.

13 And those are, again, some of the  
14 strategies that work. But knowing that if you go into  
15 public service and then, at least ten years, and then  
16 are able to get that loan forgiveness.

17 I can tell you I have met dozens and  
18 dozens of teachers who say it's been life changing and  
19 that allowed them to finally buy the home that they've  
20 dreamed of for so long. Or finally been able to  
21 afford things they couldn't afford because they were  
22 taking care of parents and there was a lot of medical  
23 expenses and things like that. It has truly been life  
24 changing. And I've heard that story over and over and  
25 over again.



1                   And we do need to have incentives to  
2 bring, make the teaching field attractive because  
3 that's what we need, right, people who are doing it  
4 because they love it not because it's a job.

5                   DR. GUSBY: Can I say? You know, this  
6 idea of loan forgiveness, it's not really new. When  
7 I went, when I started my, when I did my bachelor's  
8 degree we had recruiters from the university come to  
9 our high school to recruit us. Those people who  
10 wanted to become teachers. And so the promise was, if  
11 you went ahead and got your four degree and finished,  
12 that you wouldn't have to pay back your loan if you  
13 taught three years in an inner city school or low  
14 economic situation. And so we jumped at it because it  
15 was wonderful.

16                   We knew, well first of all, we wanted to  
17 teach. And we were coming from the city. We knew we  
18 were going to go back to the city to teach. So it was  
19 a perfect ball that they were offering us. So it  
20 wasn't a magic spell, it wasn't a new concept, it was  
21 why not kind of thing.

22                   So this forgiveness that we're talking  
23 about, I think it has already been there. It has  
24 happened in the medical field, it's happened in the  
25 education field before. So it's not so, you know, new

1 and inspiring, I think that we need to stick to it.

2 MS. ACKERMAN: Well, I just want to point  
3 out that it, to her point, it has been around and  
4 we're continuing to see the decline. So while we need  
5 to keep investing in that, and I want to see it  
6 continue of course because it's, we've seen a lot of  
7 teachers benefit from it.

8 We need to do something that encourages  
9 people at the front end. And so, with our grown our  
10 own, paying for the tuition up front has been really  
11 valuable.

12 And then we have also learned, when you  
13 pay too much up front the completion rates aren't as  
14 high. So we ask for them to commit a little bit into  
15 it. And then we've also started incentivize once they  
16 finish certain parts of the process.

17 So I think it's been wonderful, I'd love  
18 to see it stay, but the declining is still happening  
19 in the phenomena of loan forgiveness so I just kind of  
20 want to point that out, so.

21 DR. ANDERSON: You know, one of the items  
22 that I'll share with you, and I'll talk about what we  
23 can do locally, but also what we can do in the marble  
24 tower to change things. And all of these things are  
25 so interconnected. And so when we talk about loan

1 forgiveness, that's one area. The grow your own.

2 And Topeka Public Schools, I don't need to  
3 wait four years for you to get out of college to say  
4 you want to come back to Topeka. If I know that you  
5 want to go into education, or if I know you're a  
6 student that's connected with special education, you  
7 get your contract in your junior year in high school,  
8 every single student has come back.

9 I mean, so that's a different way of  
10 looking at that. That's a no-cost model to get, to  
11 grow our own and bring talent back to the pipeline.

12 I've mentioned the paraprofessional, the  
13 teacher program. The transition to teach program.  
14 Here's a wonderful thing. The president, first woman  
15 president by the way at Washburn University, she made  
16 it so that college is free. Every student can go to  
17 Washburn University at no cost as of this year.

18 That changes the landscape for our  
19 paraprofessionals and for anyone else. You know, the  
20 current model of education is pretty archaic where you  
21 student teach and don't get paid and stay inside of a  
22 school. We can change that. Locally and beyond in  
23 terms of what it takes to become a teacher so that you  
24 can have that on the job training and be paid.

25 Very few people that are high poverty can

1 give up a course of a semester and student teach in a  
2 classroom and not be paid. So you really recreate  
3 this larger equity gap when you are having that as a  
4 gateway to come into teaching.

5 So I think we can think about the models  
6 of teaching differently, and student teaching  
7 differently. But locally as well. Our grow our own  
8 program starts right there with our students and our  
9 high school.

10 The educator teacher pathway is something  
11 we have in Topeka Public Schools. You want to be a  
12 teacher, enroll. You can go through that pathway.  
13 However, I have learned that that pathway has yet to  
14 really be identified as a career technical pathway.  
15 Not only in our state but in many states.

16 So I think there are things that we can  
17 all do to bring teachers in. But the shortage is  
18 still there and it continues to grow. And the special  
19 needs of our students continue to outpace the number  
20 of teachers we're bringing into the profession.

21 CHAIR GARZA: Thank you, Ms. Anderson.  
22 And then we'll have you give the last word.

23 MS. SEYEDIN-ELAHIAN: Oh, thank you. I  
24 have to go back to what you said about loan  
25 forgiveness. I have the privilege, as I stated, of

1 not just having my 4th graders but also have a  
2 lecturer, being a lecturer at a university level. And  
3 I made that a personal choice of mine to go back and  
4 to circle back to becoming a professor so that I can  
5 educate those are, you know, the teachers that are  
6 going to be coming into our field because there was so  
7 much lack of information coming in.

8 I always say, I wish someone sat down and  
9 took me to an IEP process. I wish someone sat down  
10 and told me about the different loan service  
11 forgiveness programs so that we are not here today on  
12 this purpose of teacher shortages.

13 And so a lot of my students at the  
14 university level, that's one of the topics that they  
15 first ask me about. And they say, how long did it  
16 take you to pay off your, you know, your loan  
17 forgiveness and, I mean, your loans and whatnot.

18 So I think it's important for us to really  
19 educate our incoming teachers to continue to go forth  
20 with what they have and giving them all the tools that  
21 they need in order to succeed and not leave the  
22 profession because if I'm not mistaken, I think the  
23 career span of a teacher these days is about five  
24 years. And I think we need to turn that around today,  
25 starting from today, because if you are leaving this

1 great profession after five years knowing that you  
2 want to be there to make a change but there is  
3 certainly barriers in that pathway, that's when it  
4 becomes problematic for us.

5 CHAIR GARZA: Thank you for that last  
6 word. We're at time. I just want to say thank you  
7 again to the panelists for your comments, for the love  
8 that you pour into your profession and to your  
9 students. I deeply appreciate it. I know a lot of us  
10 here at the Commission, and parents and everyone who's  
11 watching, appreciates the work that you do as well.

12 So, I'm going to recess us for ten  
13 minutes. And we'll reconvene at 3:36 p.m. Eastern  
14 Standard Time.

15 (Whereupon, the above-entitled matter went  
16 off the record at 3:26 p.m. and resumed at 3:40 p.m.)

17 CHAIR GARZA: All right, we will come back  
18 to order. It is now 3:40 p.m. Eastern Time.

19 We're going to go ahead and proceed with  
20 our last panel, which will provide an inside look into  
21 what's happening in our schools and classrooms, as we  
22 hear directly from students with disabilities, their  
23 parents, and their teachers.

24 Each panelist will have seven minutes to  
25 speak. So, following the conclusion of the

1 presentation after everyone has finished, the  
2 Commissioners will ask their questions.

3 I'll recognize Commissioners who wish to  
4 speak. I'll strictly enforce the time allotments  
5 given to each panelist to present his or her  
6 statement, and unless we didn't receive your testimony  
7 until today, you can assume we've read it.

8 So, you can summarize your testimony and  
9 we will appreciate that, so you can make the best use  
10 of the seven minutes allotted. And please focus your  
11 remarks on the topic of our briefing.

12 So, panelists, please notice the system of  
13 warning lights that you have right in front of you.  
14 Once that light turns from green to yellow, that means  
15 that you have 2 minutes remaining.

16 And when the light turns red, panelists  
17 should conclude your statements so you don't risk me  
18 cutting you off. I don't like to cut people off, but  
19 just wrap up your thought. My fellow Commissioners  
20 and I will do our part to keep our questions and  
21 comments concise.

22 So in the order in which our panelists  
23 will be speaking, we're going to start with Karen  
24 Lockerman, national board certified teacher with over  
25 20 years of experience working with a wide range of

1 students with special needs.

2 Alysha Legge, parent of impacted student,  
3 Army veteran, founder of Moms for Freedom. Alison  
4 Lauber, a special education coordinator. Joshua  
5 Woods, an impacted student. Tony Woods, the parent of  
6 Joshua Woods, an impacted student. And Robert Varela  
7 Rodriguez, special education teacher.

8 So, now I'm going to ask each of you all  
9 to raise your right hand to be sworn in. Will you  
10 swear and confirm that the information that you are  
11 about to provide us true and correct, and accurate to  
12 the best of your knowledge of and belief?

13 (Chorus of I do.)

14 PANEL 4: FROM THE FIELD: HEARING FROM  
15 IMPACTED PERSONS

16 CHAIR GARZA: Wonderful, thank you. So  
17 we're going to go ahead and start with Ms. Lockerman,  
18 if you could please begin.

19 MS. LOCKERMAN: Thank you for the  
20 opportunity to represent special education teachers  
21 everywhere, particularly those in rural areas though  
22 as I teach in a rural area of South Carolina in an  
23 elementary school.

24 I am also a parent of a daughter with  
25 autism, and she is legally blind. She is 22 now so



1 we've been through all the processes.

2 I've been on both sides of the table, and  
3 I'm here to share my first-hand experiences with the  
4 challenges of teaching, especially during a teacher  
5 shortage that has been exasperated by the pandemic.

6 Students with disabilities often struggle  
7 to receive a quality education, and these difficulties  
8 are heightened in rural areas due to the lack of  
9 qualified teachers.

10 I'm going to keep with the script because  
11 I'll just keep talking about my kids all day long, so.

12 (Laughter.)

13 MS. LOCKERMAN: Let me take you back to  
14 the onset of the pandemic. While teaching young  
15 adults with intellectual disabilities and high  
16 functioning autism in a Walmart-based classroom as  
17 part of Project SEARCH, the pandemic struck severely  
18 impacting my students.

19 This program provided essential real-world  
20 learning opportunities with social skills, independent  
21 living skills, work skills, and basic life skills.

22 These are difficult to replicate at home.  
23 So they weren't able to continue at home. As a  
24 result, the, with the possibility of getting sick,  
25 many parents were reluctant to send their young adults

1 back to the program, leading to decreased  
2 participation and unemployment for graduates,  
3 contrasting sharply with the previous year's 100  
4 percent employment rate.

5 Ultimately, the program was cancelled due  
6 to low enrollment and the district's inability to  
7 provide a teacher and an assistant at Walmart.

8 As students returned to school, a surge in  
9 identified disabilities occurred, causing class sizes  
10 to double while the number of teachers dwindled.

11 My daughter who was part of a hospital-  
12 based work program, also faced disruptions and had to  
13 stay at home just like many others.

14 Thankfully, I was able to find her  
15 volunteer opportunities and she now is an employee of  
16 Publix as a bagger.

17 But not all parents have that ability to  
18 advocate for those, their students, and that's my job.  
19 I want to teach parents how to advocate for their  
20 students, as well as teach their students.

21 As life began to return to normal, our  
22 district like many others faced a teacher shortage.  
23 This issue was particularly pronounced in rural areas  
24 due to limited corporate presence, resulting in lower  
25 tax revenue and consequently, stagnant teacher

1 salaries.

2 Teachers often preferred urban settings  
3 that offer more amenities. Neighboring districts were  
4 able to provide these benefits, along with competitive  
5 pay, making it easier to attract educators, especially  
6 those skilled in special education.

7 As an administrator at that time, I was  
8 involved with recruiting new teachers and we found it  
9 increasingly difficult to fill positions.

10 We ended up having to hire virtual  
11 teachers, and teachers that would come into our  
12 country with special visas, which complicated matters  
13 for our special needs students who are already facing  
14 academic and social challenges.

15 The language barriers and virtual  
16 instruction added further difficulty to their  
17 learning.

18 Our situation became dire with more  
19 students receiving certificates instead of diplomas at  
20 graduation, including my daughter.

21 Our current teachers began to feel  
22 overwhelmed with additional responsibilities and with  
23 the fear of getting sick, which led many to resign due  
24 to concerns related to the pandemic or student  
25 behavior.

1           Sadly, there are incentives offered to  
2 gain more teachers, but not to keep teachers. Maybe  
3 a yearly stipend for dedicated special ed teachers, or  
4 a change in pay scale, should be considered to retain  
5 good quality teachers.

6           By the grace of God, I realized that my  
7 calling was in the classroom and I went back into a  
8 rural elementary where I am teaching resource, and  
9 where I can use the fruits he has given me.

10          Love, joy, peace, patience, and kindness,  
11 which are needed in abundance every day because this  
12 is where the pandemic impact is most evident.

13          With 4th graders reading at kindergarten  
14 levels, and 2nd graders lacking basic phonics skills,  
15 these students experience virtual learning or miss  
16 critical formative years resulting in significant  
17 skill gaps during the school closures.

18          Because I teach at a rural school, we are  
19 often overlooked despite our vital role. Attracting  
20 teachers is difficult due to our location, leading to  
21 substantial challenges.

22          Last year, two of our classes required  
23 mid-year replacements for general ed teachers, with  
24 one class needing two replacements affecting seven of  
25 my students. And substitutes just don't want to drive

1 that far.

2 Teachers are facing low pay, behavior  
3 issues, and education gaps that often drown their  
4 passion and lead them to pursue other careers.

5 While my resource class aims to provide  
6 targeted support, some students require more  
7 assistance.

8 The shortage of trained special ed  
9 teachers means that students may not receive the  
10 special support they need, making it challenging for  
11 them to keep pace with their classmates, and widening  
12 the learning gap.

13 Fortunately, my administration allows for  
14 instructional flexibility but financial limitations  
15 restrict specialized classes.

16 This is happening at an alarming rate as  
17 districts are forced to make decisions that would  
18 affect educational opportunities due to funding and  
19 personnel, instead of need.

20 As a result, students bear the  
21 consequences. Just last month I attended a meeting  
22 where we discussed school-wide scores for our state  
23 report card. Every rural school I've worked at has  
24 consistently underperformed. As a special ed teacher,  
25 we are frequently noted as the primary reason for this

1 decline.

2           It takes immense passion to continue  
3 teaching with disabilities as external rewards and  
4 recognition are scarce. The motivation must come from  
5 within but when overwhelmed with paperwork, lesson  
6 planning, behavioral challenges and high expectations,  
7 along with all of the responsibilities that you're  
8 given at school, it becomes difficult to maintain that  
9 dedication and many teachers ultimately resign.

10           Financial incentives would encourage more  
11 teachers to join the field, and perhaps they, too,  
12 would discover their passion.

13           Addressing the teacher shortage in rural  
14 areas is crucial to providing students with  
15 disabilities, the education they deserve. By  
16 prioritizing the recruitment and retention of  
17 teachers, we can enhance the educational experience  
18 for these students ultimately strengthening their  
19 entire community.

20           So please allow me to leave you with this  
21 image. Imagine being in 4th grade and the teacher is  
22 teaching double-digit multiplication and you're trying  
23 your best, but you having mastered subtraction with  
24 regrouping. You begin to sink. Then, she gives you  
25 homework that no one is able to help you with at home.

1 You sink a little farther.

2 Then you pretend to lose your homework  
3 because you're too embarrassed to let people know that  
4 you don't know how to do it.

5 So, you go to school and you lose your  
6 recess for not turning in your homework, and the  
7 teacher moves on to division.

8 You are drowning and when you reach out,  
9 the only hand to grab you and pull you up is a special  
10 education teacher. But there's not one there because  
11 the special education teacher has 25 other kids that  
12 need help, too. Or has already given up and quit.

13 We need people to see that those hands are  
14 not only needed, but necessary for the most vulnerable  
15 kids. Help us generate more teachers in special  
16 education.

17 Thank you once again for this opportunity.

18 CHAIR GARZA: Thank you so much for your  
19 testimony, Ms. Lockerman.

20 We're going to now hear from Ms. Legge.

21 MS. LEGGE: Good afternoon, everyone,  
22 Commission, staff, and everyone watching and here in  
23 attendance today.

24 Thank you so much for putting on this  
25 hearing because it is extremely important to discuss

1 the effects government overreach during COVID has had  
2 on the American people, especially those who may not  
3 be able to properly advocate for themselves.

4 And as well as the effects it's had on our  
5 education system. I believe our response to COVID  
6 kind of exposed the issues we have with our education  
7 system.

8 And it is my opinion that transparency and  
9 accountability are the only ways that we can begin to  
10 heal, and move forward as a nation.

11 So my name is Lay Legge. I'm from Tampa  
12 Bay, Florida. I'm a mom of four, a disabled Army  
13 veteran, and the director of civil engagement with  
14 Moms for America, a national organization with a  
15 network of over 500,000 moms.

16 Our mission is to empower mothers to raise  
17 patriots and promote liberty, as mothers have the  
18 biggest influence in culture starting with inside of  
19 our homes, and our children.

20 And when we understand our rights and  
21 where they come from, and our role within our  
22 government, we become activated to defend our faith,  
23 our family, our finances, and our freedoms.

24 During COVID, myself and a coalition of  
25 moms called Moms for Freedom, who advocated for



1 parental rights because parents have the authority  
2 over our children, unvetted right, we decided to  
3 discuss, we fought local government overreaching  
4 policies that violated the civil rights and  
5 constitutionally protected rights of the people, such  
6 as select Americans who were labeled by our government  
7 as essential workers being the only ones allowed to  
8 work; lockdown measures; mask mandates; school  
9 closures resulting in remote learning; and, many more.

10           These egregious policies affected me and  
11 my family very profoundly. I was denied medical care,  
12 literally turned away because I refused to wear a  
13 mask.

14           I was discriminated against in restaurants  
15 and even kicked out of one, as well as harassed and  
16 ridiculed by Tampa police at a school board meeting.

17           Not only were my HIPAA rights violated,  
18 but my civil rights were as well.

19           As a sexual assault survivor, I cannot  
20 express enough the emotional and mental anguish being  
21 force masked and publicly humiliated for not complying  
22 with these unlawful mandates caused and exasperated,  
23 mind you, one in every four women has experienced  
24 sexual assault and this is not just adult women, these  
25 are also girls.

1           It was as if I was a second-class citizen  
2           in a country I swore to protect. None of that  
3           mattered as my privacy was violated, and my decisions  
4           were constantly publicly ridiculed.

5           All my children were affected by these  
6           unlawful mandates on some level or another. However,  
7           my youngest son who is on the autism spectrum, was  
8           affected the most.

9           My children were vibrant and full of life  
10          before COVID and government's overreaching response to  
11          it. They loved playing outside, playing sports,  
12          interacting with peers, and making friends on a  
13          regular basis. And my youngest son was making  
14          progress with the assistance of therapies provided for  
15          him through the school district.

16          While our local government implemented  
17          unconstitutional lockdowns, curfews, closed local  
18          parks, removed basketball hoops or even put plywood  
19          over them as if that helped COVID, along with our  
20          teachers' unions influencing our school district to  
21          mandate remote learning and mandatory masking, they  
22          all developed social and testing anxiety.

23          They struggled more with communicating and  
24          interacting with their peers. They struggled with a  
25          lack of empathy for each other, and an increase in

1 emotional outbursts and tantrums, as well as developed  
2 an increase in reliance of electronics.

3 As I stated prior, my youngest son was in  
4 the 1st grade at the time of all of this. And most,  
5 he was affected most by, by our response to COVID.

6 When we were required to remote learn, the  
7 environment was to re-create school at home, which was  
8 extremely difficult over Zoom.

9 Children with autism rely on structure and  
10 routines in order to thrive, and Zoom school had  
11 neither of that.

12 Which is with his sensory sensitivity and  
13 hyperactivity, it was difficult for him to focus with  
14 classmates drawing on the screens, and screaming, and  
15 interrupting teachers during the lessons.

16 His individual education plan required him  
17 to see a speech pathologist twice a week, where he  
18 needed to see the ES teacher's mouth movements in  
19 order to understand what she was doing and saying.

20 So you can understand how the mask mandate  
21 impeded on his learning, and his progress.

22 His applied behavioral analysis therapist  
23 who would observe him and assist him in class three  
24 days a week, was unable to do so because she was  
25 denied access to my child due to being an outside

1 provider, which was never an issue before.

2 I informed my school board. As I found  
3 out, it wasn't just my child who was being affected by  
4 these decisions, and it made solely, these decisions  
5 were solely made for political reasons.

6 And by the harassment of school board  
7 members by teachers' unions. I have receipts.

8 I was very uncomfortable with the level of  
9 compliance and lack of courage others had to stand up  
10 for, and to protect the students who needed the most  
11 advocacy, our special needs students.

12 So I did what I thought was best and I  
13 took my child out of public school, placed him in a  
14 home school curriculum, and I used our insurance to  
15 find resources for him.

16 He thrived in our home learning program,  
17 is a better reader, and no longer requires ABA speech  
18 therapy. There are still some challenges, but I think  
19 we can overcome them.

20 And I am pleased to share our story. I  
21 know that it's not the same for a lot of other  
22 students, but it is important that everyone's stories  
23 are told.

24 And, as much as this was eye-opening to  
25 me, it was very profound. And so, so profound that I

1 ran for school board in 2022, and I became the first  
2 school board candidate to ever be endorsed by a  
3 sitting governor in the history of American politics.

4 And although I did not win my race, I am  
5 teaching thousands of Americans the proper roles and  
6 responsibilities of government, how to politically be  
7 respected, and how we, the people, can wield our  
8 political power.

9 In closing, I will say this. The United  
10 States of America is a sovereign nation because the  
11 people are sovereign.

12 And when government takes that away by  
13 force, we are no longer a free people or nation. We  
14 must give our consent to be governed, and the  
15 Constitution which limits and codifies individual  
16 natural God-given rights is the law of the land.

17 They cannot be given or taken away by  
18 government or the agencies in which they create. When  
19 those who we have consented to govern us operate  
20 outside of the consent of the people, they become  
21 unjust and shall be held accountable.

22 My hope for this hearing is to not only  
23 figure out solutions, and listening to the people that  
24 are impacted daily on the ground, and not governed  
25 from those in the ivory marble tower.

1           As if we said before, it is important for  
2 us to not just bring over solutions, but to make sure  
3 that those that do not consent, and do not abide by  
4 the laws in which the bounds in which they have been  
5 given, are held accountable.

6           Thank you.

7           CHAIR GARZA: All right, thank you Ms.  
8 Legge.

9           We will now hear from Ms. Lauber. Please  
10 proceed.

11           MS. LAUBER: Good afternoon, thank you for  
12 this opportunity in allowing me to share my ground-  
13 level view of this dire problem at this magnitude.

14           I learned a lot today and look forward to  
15 taking the knowledge back to my state.

16           I'm an eighth year as an educator where I  
17 have worked in grades K-12, supported 18-22 transition  
18 programs in Title I schools.

19           My first 6 years was dedicated as a high  
20 school special ed teacher, teaching students with  
21 disabilities who are on the alternative diploma track  
22 in one of our most restrictive settings with the most  
23 intensive needs.

24           For the last 2 years, I worked at the  
25 middle and elementary school, schools, as a special

1 education coordinator.

2 Over the span of my public service, my  
3 roles have included membership of the National  
4 Education Association's Disability Rights Resource  
5 Cadre.

6 I was also an executive board member for  
7 our state teachers' union, DSEA, Delaware State  
8 Education Association.

9 And then, working with our local union as  
10 an executive board member, chair of our teacher  
11 retention and recruitment committee, and a building  
12 level association representative.

13 Coming out of the pandemic, the climate  
14 and culture of schools changed dramatically. In my  
15 various positions in special education, I have  
16 witnessed the need of our students with disabilities  
17 of all levels of complexities and supports.

18 With my current role as a special  
19 education coordinator, also a local agency or local  
20 education agency representative, my feet are in two  
21 different lanes that eventually merge together.

22 I'm required to be well-versed with  
23 special education law, policies, and best practices.  
24 It is a really tough position to be in on behalf of  
25 different parties where you are advocating for

1 student, parent, and educator rights all at the same  
2 time.

3 I assign caseload numbers and coach  
4 teachers on special education processes, which is  
5 always a tense topic.

6 I facilitate out of state transfer  
7 meetings, initial IEP meetings, evaluation meetings,  
8 NOIP meetings, tri-annual evaluations, alternative  
9 placement meetings, benefit station and determination  
10 meetings, with lawyers and advocates from time to  
11 time.

12 We have non-classroom based special  
13 education certified staff picking up caseloads for  
14 unfilled special education vacancies. And providing  
15 specially designed instructional services.

16 So we have deans, instructional coaches,  
17 even sometimes administrators who are special ed  
18 certified taking on some caseloads.

19 It's all hands on deck at this point. I  
20 want to mention that writing IEPs, individual  
21 education plans, and then providing services are kind  
22 of two kinds of tasks with different lifts.

23 I want to share some events that I've  
24 witnessed through my experiences on what I see.

25 At one point, we had only one certified



1 special ed teacher for a 7th grade team for a middle  
2 school.

3 She had over 30 students on their caseload  
4 as secondary IEP. So transition IEPs, they have a  
5 little bit more oomph to it than an elementary IEP  
6 would have.

7 They eventually received compensation  
8 because 30, even and typically anything over 15 is  
9 way, very overwhelming.

10 And sometimes those caseloads, those  
11 teachers don't have those kids so they have to float,  
12 or they have to rely on other people for data  
13 collection, things like that, and services to be  
14 provided to them, for them to make sure that they are  
15 reporting correctly on their progress reports.

16 There's been state complaints filed by  
17 parents for students not receiving their services.  
18 Dewey has provided some action plans about having a  
19 three-part mandatory in-person training sessions on  
20 IEPs and implementation for all staff to have, because  
21 it is a team effort. It's a team and group  
22 responsibility to make sure those services are made  
23 for our students.

24 Currently, the last two weeks at my school  
25 we've lost two special ed teachers to other

1 neighboring districts. There are school districts  
2 that are partnering with marketing firms to advertise  
3 working in their school district.

4 We don't need just time and money, we need  
5 effective and quality teacher preparation pipeline,  
6 such as year-long residency programs, which I was one  
7 of them when I graduated in 2016. We have things  
8 called critical needs reimbursement programs,  
9 competitive collective bargaining agreements.

10 Looking into our funding systems and  
11 funding ratios, there is higher education institutions  
12 with alternative routes to certification programs.

13 We have paraprofessionals starting to  
14 become teachers through the Grow Your Own programs.  
15 And then, our comprehensive induction programs for  
16 mentoring for new teachers.

17 So, remember, we are talking about  
18 supporting students with diverse classifications,  
19 diagnoses, diagnosis disorders, which we try to help  
20 them have the best education possible.

21 We're also talking about students with  
22 disabilities in schools who come from correctional  
23 facilities, mental health facilities, who are  
24 homebound, who are in foster care, who have, who use  
25 augmentative and alternative communication devices.

1           Toileting needs, McKinney-Vento, private  
2 duty nurses with feeding therapy, and adult,  
3 additional adult support is also sometimes referenced  
4 as one-on-one's. And then also multi-lingual  
5 learners.

6           And then we have our students with IEPs as  
7 well as 504 plans. And then even those who are  
8 unidentified at this time. So we do have students who  
9 don't have either of those, IEPs or 504 plans.

10          So, altogether, what we do know is that we  
11 need teachers. We need face-to-face learning. We  
12 need students getting their services. We need a team  
13 approach to this problem. Maybe looking at defining  
14 caseloads, investigating the efficiency of funding  
15 formulas and systems.

16          Just a few points of information at least  
17 from where I am in Delaware. Seventy percent of our  
18 pay comes from the state, and then 30 percent comes  
19 from our collective bargaining agreements.

20          So, let's not cut corners and lower our  
21 standards. This would compromise the integrity of the  
22 profession. Please keep thinking about our students  
23 and educators. Take a united front for the future of  
24 education.

25          And there's always a phrase that we say a

1 lot. Our students' learning conditions are our staff  
2 working conditions. And this includes appropriate  
3 training, curriculum, and resources to better serve  
4 our students.

5 Time is the most valuable asset. And it's  
6 ticking fast. As long as we have the same goal in  
7 mind, we are allies. Let's shift these conversations  
8 into action.

9 Thank you for your time.

10 CHAIR GARZA: Thank you, Ms. Lauber.

11 We're going to now hear from Mr. Joshua  
12 Woods, if you are ready to begin.

13 MR. WOODS: Good afternoon, and thank you  
14 to the Commissioners for inviting me to speak before  
15 you today on this important issue.

16 My name is Joshua Woods, and I am  
17 currently a senior at Westwood High School, located in  
18 Blythewood, South Carolina.

19 I am doing well as a student at my high  
20 school. I have successfully maintained an A/B average  
21 throughout my school career, but it has not always  
22 been easy.

23 I have had some late nights to finish my  
24 homework assignments. Reflecting on my academic  
25 journey, in 6th grade is discovered that math was one

1 of my stronger subjects. And one of the subjects I  
2 most enjoyed.

3 At about the same time, I learned that I  
4 was on the autism spectrum. Because of the teacher  
5 shortage, I have had four different engineering  
6 teachers in high school, which has made a tough  
7 subject more challenging. We have also had turnover  
8 with our special education teachers in my school  
9 district.

10 While their focus should be making sure  
11 that I stay on track in my core classes, they have not  
12 always done so. In addition, they have not  
13 consistently communicated with my teachers to identify  
14 the areas where I needed assistance. This has limited  
15 the help I have received.

16 Despite these challenges, I continue to  
17 strive for success in my studies. My recommendation  
18 to the Commissioners would be to pay teachers more so  
19 we can retain certified teachers, including special  
20 education teachers.

21 Excellent teachers who know their students  
22 and are focused on the classroom, ensures that  
23 students like me enjoy a successful journey through  
24 school. Thank you for your time.

25 (Applause.)

1 CHAIR GARZA: Thank you so much for doing  
2 that, and being here. I think you might be the  
3 youngest one we've had, to my knowledge.

4 We're going to now turn to Mr. Woods, Tony  
5 Woods, love to hear from you.

6 MR. WOODS: Joshua Woods is my son. My  
7 wife is here, Sandra Woods. His sister is a student  
8 athlete at Campbell University, Jessica Woods.

9 I want to tell you how this all started.  
10 At BabyNet through South Carolina Department of Health  
11 and Human Services from 1-3, from 3 to the present  
12 registered in two special education services through  
13 individualized education, which is an IEP, the service  
14 had been provided at the school attended, at each  
15 school he's attended.

16 We're in the process of getting an IEP  
17 transferred to a 504 plan before he graduates in May.

18 He was not tested for autism spectrum  
19 disorder until 3rd grade by the school district. We  
20 also took it upon ourselves additional help through  
21 Total Rehab, and also physical therapy through  
22 Midlands Therapy.

23 When you are told that you have a child,  
24 it's an exciting time. Children bring so much hope to  
25 the world.

1           Each and every one of us in here has a  
2       cousin, a sister, a brother, a family member that's  
3       going to be touched with something.

4           When I was raising my children, I always  
5       thought about them being in the forest alone. And I  
6       had to give them everything they needed to either  
7       sustain in that forest, or to get out of that forest.

8           And then all of a sudden, you're told that  
9       your son is on the autism spectrum. Well, what does  
10      that mean?

11          What does that mean, because I thought my  
12      son was going to be the next president of the United  
13      States, the next NBA player.

14          At that moment, it almost paused for me.  
15      But then what happens is you move on. And then you  
16      realize what comes next. I'm still his dad.  
17      Opportunities are still available to him.

18          Now the fear now becomes when you send him  
19      to school. Does every teacher see the potential in  
20      him that I see in him? What do they see?

21          My son was not tested and when we got him  
22      the testing that he needed when he got to the 3rd  
23      grade, it was like a lightbulb went on for him.

24          We went and got him tested at University  
25      of South Carolina. Determined that he was on the

1 autism spectrum.

2           They sent it back to North Springs  
3 Elementary, and once he got what he needed, it just  
4 took off.

5           But then we would run into problems. We  
6 would run into teachers having to move on because they  
7 had bills, and they had goals. And they had  
8 opportunities that they wanted to do. But they didn't  
9 have enough money to do what they wanted to do.

10           I still believe that there are certain  
11 jobs in this world that you have to have a calling  
12 for. I believe that educators are people who have to  
13 have a passion to do what they do.

14           So many teachers are working above and  
15 beyond, just to stay afloat. So many teachers are  
16 having to deal with not just the children, but the  
17 parents who have been broken.

18           Most of our hurt comes in our childhood.  
19 And if there's nobody to explain or to help us through  
20 this, what do we do?

21           I am so proud of my son today. I am  
22 fortunate that my son, I was told that I had to do  
23 everything, I was told by a lady that I had to do  
24 everything a particular way because he's on the autism  
25 spectrum.



1           He's got to do everything the same way  
2 every day. And I was like no, I can't do that.  
3 That's not the way the world works.

4           And then I had to come up with this thing  
5 and it's not going to sound too good, but I had to  
6 come up with this thing that the world don't give a  
7 damn about autism.

8           Now, how do I raise my children, my son,  
9 in a world that doesn't give a damn about autism?  
10 What happens when he gets stopped by the police and  
11 he's 6 feet 3 inches tall, and he's 200 and something  
12 pounds, and he doesn't speak fast enough? What  
13 happens?

14           Is the police officer trained to deal with  
15 a person that's on the autism spectrum? You start  
16 thinking about things almost from a negative  
17 standpoint, to get to the positive.

18           I was a bit nervous coming here. I was  
19 what can I say, what can I do to impress upon the  
20 masses to hear the necessity that we have in our  
21 school systems?

22           And I'm going to just share this story  
23 with you. When Joshua got the help that he needed on  
24 that day, I came out into the parking lot of North  
25 Springs Elementary School, and I cried.

1 I couldn't stop crying. I cried not  
2 because my son got the help that he needed, but I  
3 cried because there's a child inside the school system  
4 that ain't nobody going to bat for. Nobody's standing  
5 up for him.

6 Now, you're on a panel. You get paid  
7 enough money to do what you do. And if you didn't get  
8 paid enough money to do what you do, you wouldn't be  
9 on the panel.

10 We have to find ways to make sure all  
11 children, all children, have an opportunity. Because  
12 every child is a gift. Every child is a gift.

13 The hope that's in a child is  
14 unimaginable. But children have no say-so on who  
15 their mother and father is.

16 It's only by the grace of God that they  
17 get a good mom, or a good dad, or a great grandma, or  
18 a great uncle.

19 My son has been surrounded by grandfather,  
20 grandmother, great-grandmother, cousins, and everybody  
21 sowed seeds into his life.

22 So we just don't sit here alone. We don't  
23 sit here alone. I just want you all to understand  
24 that you have a huge responsibility. You got to  
25 listen to a lot of people, and I was so overjoyed to

1 hear the teachers with passion. I love to hear that.

2 But the opportunity that these kids have  
3 in this world today with the world changing so fast,  
4 and social media, it's hard.

5 Imagine doing it on the autism spectrum.  
6 And we keep trying to tell my son you're just like  
7 everybody else, but we live in a world where it seems  
8 like nobody wants to be an individual.

9 But I'm trying to encourage my son to be  
10 the best Joshua Woods that he can be.

11 Thank you for your time.

12 CHAIR GARZA: Thank you so much. Thank  
13 you for those words.

14 We're going to turn to Mr. Rodriguez, if  
15 you're ready to start.

16 MR. RODRIGUEZ: Thank you, Madam Chair and  
17 members of the committee. My name is Robert  
18 Rodriguez, I'm a proud middle school special education  
19 teacher from California. And I'm honored to be  
20 following the Woods family. As a teacher in a public  
21 school, hearing their story of success really gives me  
22 hope. And really gives me passion and power to be  
23 able to speak with you here today.

24 I teach in San Bernardino, California, in  
25 a district that services 50,000 students. We have the

1 full range of POS student population. English  
2 learners, socio-economically disadvantaged, special  
3 education.

4 We also are a standalone SELPA, Special  
5 Education Local School Planning Agency, so we offer  
6 the full gamut of continuum of services within special  
7 education programs.

8 That is a benefit to being an educator in  
9 a space like that. It's also a burden because of the  
10 staffing crisis that we face in our country.

11 I am also a proud member of the National  
12 Education Association, which represents 3 million  
13 educators across the United States, and around the  
14 globe in all of our Department of Defense schools.

15 And we're unified under a common vision,  
16 which is a great public school for all students. I  
17 enter that into this space because it was my union  
18 that gave me a voice, and actually gave me an  
19 opportunity to be here.

20 And I wouldn't be able to speak on behalf  
21 of my students with disabilities or their families,  
22 without that type of agency behind me.

23 I'm honored to speak today on this topic  
24 because it is something that is near and dear to my  
25 heart. And also has impacted me in my almost 20 years

1 as a classroom teacher.

2 My testimony is based on my experience as  
3 an educator working directly with students with  
4 disabilities, and their families.

5 I have experienced first-hand the impacts  
6 of the educator shortage on students with  
7 disabilities, their families.

8 Some of the predatory behaviors I've seen  
9 with voucher programs that make false promises, and  
10 also the systematic targeting of students with  
11 disabilities, and students who come from ethnically  
12 diverse backgrounds.

13 My testimony will also include the  
14 benefits I have seen in working with my union, and  
15 other educational professionals in helping to support  
16 my school district in meeting the needs of students  
17 with disabilities, and protecting them against some of  
18 these practices that we see throughout the country.

19 And lastly, my testimony will offer some  
20 recommendations to you all, from my perspective of  
21 what I've seen in the classroom for addressing the  
22 educator shortage, which does include the funding that  
23 we do need in addition to what our states offer.

24 In California, we do a great job of  
25 passing laws and legislations, and tax increases, and

1 things to fund our schools. But what we're doing is  
2 we're offsetting the federal costs that aren't fully  
3 funded right now.

4 And so, we know that trying times are  
5 coming ahead of us. We need to continue to seek that  
6 funding for these programs, so that we're not  
7 offsetting general fund balances.

8 We also need to become really creative, I  
9 like that question from the previous panel, about what  
10 we do to be more incentivizing of the program.  
11 Teacher preparation programs, pathway programs.

12 There was a comment made in the previous  
13 panel about CTE, career and technical education, and  
14 how we can use those dollars.

15 We can't use them for teacher pathway  
16 programs. That's something that we need to consider  
17 needs to change so that we are growing our own, and  
18 bringing them into our communities so that we increase  
19 the teaching workforce with a special emphasis on  
20 special education.

21 Also, apprenticeship programs. We're  
22 seeing that starting to really pop up across the  
23 country.

24 I know in California, we're looking at a  
25 way to get that up and running. My colleagues in

1 Washington state have found a way to do that. And so,  
2 there are answers out there.

3 And last, I would be remiss if I didn't  
4 say we do have to look at addressing the teacher  
5 workload program.

6 While the teacher burnout rate in  
7 California is about 5 years or less in special  
8 education specifically in my district, you're looking  
9 at 2 years, 2-3 years for that burnout rate.

10 My teaching career began in July of 2005.  
11 I was a 1st grade teacher teaching general education.  
12 I was assigned to our second largest school in my  
13 district. We had just under 1,000 kids, and I was one  
14 of nine teachers in my 1st grade level.

15 As a recent graduate, I was really excited  
16 to apply all the knowledge I had gained from my  
17 undergraduate degree.

18 But I quickly learned that I was not fully  
19 prepared for the journey ahead. That year, I had a  
20 student who we later identified as having multiple  
21 learning disabilities.

22 That year, I experienced what it was like  
23 to serve on a multi-disciplinary team to assess a  
24 student, and to have him qualify for special education  
25 services.

1           It was through that experience that I  
2 decided to switch educational programs and pursue my  
3 graduate work in special education, and receive my  
4 credential and my master's degree.

5           Over the next 18 years, I've taught  
6 several students with disabilities and partnered with  
7 many families to work together to meet the student's  
8 individual needs, in multiple teaching settings.

9           I've taught in a self-contained special  
10 day class for students with mild-moderate  
11 disabilities.

12           I've also taught in the recent -- resource  
13 specialist program, more of a pull out service model.  
14 And I've even done the inclusion model where I have  
15 co-taught with other of my colleagues, mostly in math.

16           Each year has become more challenging to  
17 access the services needed to meet the demands of my  
18 students due to the lack of funding, and a shortage of  
19 in-school personnel.

20           So that includes speech therapists, school  
21 psychologists, counseling services, and  
22 paraprofessionals in the classroom to provide that  
23 reinforcement and support.

24           Some years, I'm the only special education  
25 teacher on campus with no additional in-classroom



1 support.

2 This impacts the teacher-to-student ratio,  
3 and the quality of one-to-one or small group  
4 instruction that can occur.

5 And it's heartbreaking to not be able to  
6 provide the direct support that I know is best for the  
7 student, due to the lack of these additional support  
8 staff.

9 My own anecdotal experience has led me to  
10 know that no computer program or online program, can  
11 supplement the services that we can provide in the  
12 classroom.

13 My own experiences have also led me to  
14 know that the number of students per classroom and the  
15 teacher, makes a huge difference in the quality of  
16 instruction a student can receive.

17 And finally, my own experience has led me  
18 to know that there's no substitute for a trained,  
19 credentialed teacher or support staff in our public  
20 schools.

21 I do want to note that there is a place  
22 for hybrid learning. We learned that coming out of  
23 the pandemic, that there is some students that  
24 benefit, even students with disabilities, in that  
25 remote learning practice.

1                   And I want to give an example from one of  
2 a colleague of mine, Ms. Carrillo, who is a 6th grade  
3 teacher, who talked about receiving, having a student  
4 who is in-home hospital program, so they have multiple  
5 physical disabilities.

6                   They are in a hospital, and so  
7 traditionally you would go and provide the services at  
8 whatever facility they are at.

9                   The pandemic had us all on hybrid so the  
10 kid was issued a computer, and was assigned to her  
11 remote classroom.

12                   And so what that did for that student, is  
13 it exposed him to be able to have those peer  
14 relationships with his other colleagues.

15                   And so, I just wanted to put that into  
16 this space of another example.

17                   I am running out of time but I do want to  
18 reference my, in my testimony you will see my  
19 recommendations that I have there for you, so please  
20 look them over if you have time.

21                   And I'm happy to answer any additional  
22 questions, which will lift up the funding that we need  
23 for schools, as well as the ideas for pathway  
24 programs.

25                   And lastly, we need to really look at the

1 accountability measures that we have for public  
2 schools, as well as some of these other voucher  
3 programs.

4 If it's good enough of a requirement for  
5 a public school, it should be good enough of a  
6 requirement for everyone else.

7 Thank you.

8 CHAIR GARZA: Thank you so much for your  
9 testimony, Mr. Rodriguez. And thank you to all of our  
10 panelists for your comments here today.

11 We're going to open it up to Commissioners  
12 for questions. If anybody would like to be  
13 recognized, happy to recognize anyone.

14 COMMISSIONER GILCHRIST: Madam Chair, I do  
15 want to be recognized.

16 (Laughter.)

17 CHAIR GARZA: All right, Commissioner  
18 Gilchrist.

19 COMMISSIONER GILCHRIST: I know I said  
20 earlier that I would not say anything --

21 (Simultaneous speaking.)

22 CHAIR GARZA: For the rest of.

23 COMMISSIONER GILCHRIST: But in the  
24 essence of full disclosure, I didn't know we had some  
25 additional South Carolinians on the panel, on the last

1 panel, so may I?

2 CHAIR GARZA: Of course.

3 COMMISSIONER GILCHRIST: Madam Chair?

4 CHAIR GARZA: Of course, you can.

5 COMMISSIONER GILCHRIST: Thank you for  
6 just a minute.

7 Let me thank all of you for a great close  
8 out here today. I think we've learned a lot to help  
9 to inform us about what we need to do going forward.

10 There are three people on this panel that  
11 are from the great state of South Carolina. Ms.  
12 Lockerman, Mr. Woods, and little Mr. Woods, and Ms.  
13 Woods back here. We're so delighted that you guys are  
14 here.

15 Mr. Woods, I want to ask you a question.  
16 I just listening to you, my child recently went  
17 through a little situation and I'm not going to get  
18 into that today, but what I would ask you is, what can  
19 parents do to ensure that their children can get what  
20 they need whether it's in the public system or the  
21 private system, when it comes to children that are on  
22 the spectrum?

23 Any advice on that?

24 MR. WOODS: My advice to advocate, man.

25 COMMISSIONER GILCHRIST: Uh huh.

1 MR. WOODS: You are their voice.

2 COMMISSIONER GILCHRIST: Uh huh.

3 MR. WOODS: Nobody can speak for him like  
4 you can. My wife Sandra and I, even with my daughter  
5 Jessica, excellent basketball player, excellent  
6 student.

7 Son, excellent student. Can bake cinnamon  
8 rolls out of this world, decided he wanted to bake.  
9 And for some reason, he always watched The Food  
10 Network.

11 Now I see my goal, and let me just say  
12 this. I want to make sure I say this and he's heard  
13 me say this before.

14 There's nothing in me that tried to raise  
15 him to hide autism. My prayer for my son is that my  
16 son will be able to speak through his situation, to  
17 help somebody else along the way.

18 So, when I see a father because we all, we  
19 all, no matter whether your son or your daughter, we  
20 all have ambitions for our children, do you  
21 understand?

22 And my ambitions haven't changed for him.  
23 As a matter of fact, because I know what his potential  
24 is, I'm expecting a whole lot more from him.

25 COMMISSIONER GILCHRIST: That's right.

1 MR. WOODS: But when you asked the  
2 question what can I do, there's no voice, and that's  
3 what made me cry that day in the car.

4 How many kids are falling through the  
5 holes because they have nobody to advocate for them?  
6 Not that they, and then they may have somebody but  
7 they don't know how to advocate.

8 I remember, I don't know it feels like it  
9 came from this. There was a time when we had, that  
10 y'all started, well, I want to say in the education,  
11 they started this thing where we had to memorize 6x6  
12 and 7x7.

13 And then, the did this thing where you had  
14 to show your work. Who started that? It was called  
15 something. You got to show your work. You got to  
16 show 6x6. And then they brought that homework home  
17 and I helped my son one time, and he took that thing  
18 back to school and it wasn't right. He didn't talk to  
19 me for a week.

20 So when you asked the question, just  
21 advocate, man. Fight the battles. Because what I  
22 always wanted my children to understand is I got your  
23 back.

24 I'm going to fight for you. I'm going to  
25 live for you, and I will die for you. No questions

1 asked.

2 But just make sure that when I come to  
3 that school, that your i's are dotted and your t's are  
4 crossed.

5 COMMISSIONER GILCHRIST: That's right.

6 MR. WOODS: So when it comes to a  
7 situation with your son, advocate for him. And when  
8 children speak up, sometimes children they want to  
9 protect their parents.

10 COMMISSIONER GILCHRIST: Uh huh.

11 MR. WOODS: And I can't tell my dad, I  
12 can't tell my mom because. But I had to make sure my  
13 children understand it's not your job to protect me.  
14 It's not your responsibility.

15 COMMISSIONER GILCHRIST: Uh huh.

16 MR. WOODS: So if there's something going  
17 on, make me aware of it. I may not handle it the  
18 right way, but give me an opportunity to handle it.

19 And I cannot say this, I don't want to  
20 offend any other religion. I am where I am with my  
21 children solely because of Jesus Christ.

22 I have seen the Lord work in my son's life  
23 in tremendous ways. We are in Washington, D.C.,  
24 speaking on a panel and my son did a brilliant job.

25 (Applause.)

1 MR. WOODS: So, just advocate, man, just  
2 advocate.

3 COMMISSIONER GILCHRIST: Well, no, thank  
4 you for that. And Joshua, you did a excellent job.  
5 I can't wait for all of us to get back to South  
6 Carolina.

7 But thank you for that, Mr. Woods, I  
8 really appreciate those comments.

9 Madam Chair?

10 CHAIR GARZA: No problem.

11 Commissioner Magpantay?

12 COMMISSIONER MAGPANTAY: Mr. Woods, I just  
13 wanted to make, state of Virginia. Just wanted you to  
14 know that your words as someone who has testified  
15 before the United States Commission on Civil Rights,  
16 is an opportunity that very few 17-year-olds have in  
17 this country.

18 Your comments will be delivered to the,  
19 under our authority under federal statute, to the  
20 Congress and to the President.

21 I want to ask you one very important  
22 question that will require all your thinking and  
23 knowledge.

24 What do you want to do when you grow up?  
25 Where do you want to be, and know that you could be



1 anything?

2 What do you want to be?

3 MR. WOODS: Well, as my father said, I  
4 bake so my plan for college is to go to Johnson &  
5 Wales University, and --

6 COMMISSIONER MAGPANTAY: Oh, we're talking  
7 after this. My kid goes there, actually.

8 (Laughter.)

9 CHAIR GARZA: Johnson?

10 MR. WOODS: Yes, so my plan is to go to  
11 Johnson & Wales, and I plan on majoring in baking and  
12 pastry arts.

13 And so, my plan when I get, my plan when  
14 I have enough money is to like, is to own my own  
15 bakery, and so.

16 CHAIR GARZA: Love that answer.

17 PARTICIPANT: All right, very good.

18 CHAIR GARZA: That's wonderful.

19 MR. WOODS: When we're having lunch, we're  
20 going to his place.

21 (Laughter.)

22 CHAIR GARZA: Well, thank you. I'm on a  
23 personal level, I just have to say how touched I am to  
24 see you as a family here.

25 And really grateful for you doing this,

1 and contributing to the conversation. I think that  
2 you all, this has contributed so much understanding  
3 your personal experience.

4 It colors everything that we've been  
5 hearing today, and really fills it in.

6 I did have a question for Mr. Rodriguez.  
7 I know you alluded to some recommendations that you  
8 had, and I wanted to give you an opportunity to uplift  
9 that.

10 However, I did want to ask you about any  
11 returning special ed students that may have gone to a  
12 different school system, maybe a charter school, some  
13 other program, and then have returned to public  
14 school.

15 If you want to give us an idea of what  
16 that looks like. And are there any additional  
17 challenges that those students have faced in getting  
18 to where they need to be?

19 MR. RODRIGUEZ: Yes, and thank you, Madam  
20 Chair.

21 There's what we've seen in San Bernardino  
22 and in some of the surrounding communities, is the  
23 creation of charter schools using, we have a very  
24 prolific law in California.

25 And so, what happens is people get the

1 idea that we want to create choice, which sounds good.  
2 And by the way, I'm not against that. I think  
3 families should have choice within our public schools.

4 And I also think they should have choice,  
5 period, but I don't think they should go outside of a  
6 public school to have those choices.

7 We need to do a better job of creating  
8 that in there. What we have is the formation of  
9 separate schools being done and okay, they have the  
10 right to do that.

11 And then oftentimes, they have the actual  
12 realization of what is required to provide the full  
13 services for students.

14 So, I have had students from my own class  
15 and they say oh, I'm going to go to XYZ school and  
16 it's kitty-corner to where I'm teaching.

17 Okay, well, we're going to miss you and  
18 then they said and we're going to go into, I'm going  
19 to be a regular student now, and I'm going to be in  
20 regular class.

21 I'm like well look, you are a regular  
22 student. You are in regular classrooms, we're just  
23 addressing our specific needs.

24 Having a disability, being in a program,  
25 does not make you, sure there has a different way of

1 learning. And lifting that up.

2 And so, I'm actually really triggered by  
3 when they're told these false promises of it's going  
4 to be fine, and you're going to go.

5 And then two months later when this  
6 charter school figures out that they can't provide  
7 those services, sends them, tells the parents you're  
8 better off taking your kid out of here and them coming  
9 back.

10 And we welcome them with open arms and say  
11 come back, but there is an emotional trauma there  
12 about reorienting them into the school.

13 And having that deep-dive conversation  
14 about having, what it means to have a disability. And  
15 what it is to still be a productive member of society.

16 And if anybody has any doubt of that, this  
17 young man right here just disproved that quite  
18 quickly.

19 And so, that was one of the things that  
20 I've spoken up again. I do again want to lift up. I  
21 think in the public schools we talk about this a lot.

22 If something's wrong, we've got to fix it.  
23 And every parent, family, and community, should feel  
24 that they have agency to lift that voice up. And then  
25 we need to do a better job of responding it.

1                   So when we talk about accountability,  
2 what's missing, and what do we need to put in place so  
3 that my students, our kids, are successful within that  
4 school setting.

5                   But I did include that in the testimony.

6                   CHAIR GARZA: Thank you so much for that.

7                   PARTICIPANT: Commissioner Adams wants to,  
8 oh, no, go ahead. I'll go after you.

9                   CHAIR GARZA: Okay, Commissioner Adams, do  
10 you want to be recognized?

11                   COMMISSIONER ADAMS: Thank you.

12                   CHAIR GARZA: Yes, go ahead.

13                   COMMISSIONER ADAMS: Sir, a couple  
14 questions for you.

15                   Are you at all familiar with some of the  
16 programs in Catholic schools where they have like for  
17 example, John Paul the Great, in Prince William  
18 County, has something called the Options Program.

19                   Where children with moderate and  
20 intellectual disabilities are there within the regular  
21 student population, in a special program.

22                   You wouldn't have any problem would you,  
23 with parents sending their kids to that sort of  
24 program, as I understand it?

25                   MR. RODRIGUEZ: Again, I don't have a

1 problem with anybody. I'm Catholic. I'm well aware  
2 with Catholic school programs. I'm also in special  
3 education. If a student would have come to a public  
4 school, we're a standalone SELPA and need services, so  
5 I did have to go to a Catholic school and provide that  
6 to them to do the assessment, because we are still  
7 responsible as the local planning agency.

8 So, we do work in partnership with  
9 religious schools. And we do provide those services  
10 within that. I don't know about the one you  
11 specifically spoke about.

12 COMMISSIONER ADAMS: Right.

13 MR. RODRIGUEZ: I could certainly look  
14 into that and we can follow up.

15 COMMISSIONER ADAMS: You testified about  
16 your membership in the NEA. And we had a prior  
17 panelist and I didn't get to ask the question to. I  
18 think it was from the American Federation of Teachers.

19 What is the difference between the two?

20 MR. RODRIGUEZ: We're both labor unions,  
21 and we both represent educators, public service  
22 employees. They are my union siblings.

23 COMMISSIONER ADAMS: Right.

24 MR. RODRIGUEZ: So --

25 (Simultaneous speaking.)

1                   COMMISSIONER ADAMS: Right, that's the  
2 similarities between the two.

3                   MR. RODRIGUEZ: Yes.

4                   COMMISSIONER ADAMS: My question was what  
5 is the difference between the two?

6                   MR. RODRIGUEZ: Well, we have different  
7 names. So that could be one thing.

8                   (Laughter.)

9                   COMMISSIONER ADAMS: So there's nothing  
10 else? I mean --

11                   MR. RODRIGUEZ: We have different  
12 jurisdictions in some areas. There's laws in which we  
13 could just how the process for pulling cards and  
14 signatures. In some states we're merged, so we are  
15 the same.

16                   COMMISSIONER ADAMS: Okay, last question.  
17 You warned -- or I don't want to if I can scroll  
18 backwards. But you said you didn't want students  
19 necessarily having an opportunity, to use your term,  
20 to choose to go to the private school. And I'm  
21 wondering what the downside to that is?

22                   MR. RODRIGUEZ: I think our country, I  
23 think public school is the cornerstone of our  
24 democracy. I think we were founded on those  
25 principles. I think every American that is paying

1 taxes, that pays into the system that we have these  
2 great public schools, that we have a responsibility to  
3 deliver that.

4 And so, my first choice would be to ensure  
5 that we fully fund the schools, that we partner with  
6 parents and communities, and that we give the  
7 necessary services that are needed so that people  
8 don't have to do that.

9 Now, ultimately, if people choose because  
10 people want to be -- they prefer a religious  
11 education, that's fine. That's their preference. I  
12 did say that I didn't dispute the idea of choice. But  
13 I do my preferences that we make sure that we provide  
14 everything we can in our public schools.

15 COMMISSIONER ADAMS: Yes.

16 CHAIR GARZA: Thank you. I believe we  
17 have time for one more question, and that will be you,  
18 Mondaire, Commissioner Jones.

19 COMMISSIONER JONES: Yes, it's more of a  
20 comment. First of all, I want thank again my  
21 colleague, Commissioner Gilchrist, for conceiving of  
22 this really important topic. I thought today went  
23 very well, Madam Chair.

24 We've heard a lot of testimony. We've  
25 heard from 22 different panelists today. Panelists



1 who have been invited by the Republican Commissioners  
2 on this body; the Democratic Commissioners; and, OCRE.

3 And not a single person, not a single  
4 person suggested that there is no teacher shortage in  
5 America with the exception of one panelist earlier  
6 today. And that would have been Mr. Max Eden, a  
7 senior fellow at the American Enterprise Institute.

8 And so, as we consider all the testimony  
9 today for our report, I think it's really important to  
10 consider that as we decide whether to credit the rest  
11 of his testimony in whatever work product we produce.

12 And I'll just -- I'll leave it at that.

13 CHAIR GARZA: Well --

14 COMMISSIONER GILCHRIST: Do I get to say  
15 something else, Madam Chair?

16 CHAIR GARZA: You can have the last word.

17 COMMISSIONER GILCHRIST: Okay.

18 CHAIR GARZA: But I'm going to close us  
19 up.

20 COMMISSIONER GILCHRIST: Yes, that's fine.

21 CHAIR GARZA: Go ahead.

22 COMMISSIONER GILCHRIST: So, I just wanted  
23 to quickly ask Ms. Legge and Ms. Lockerman --

24 CHAIR GARZA: Well, I thought it was a  
25 comment.

1 COMMISSIONER GILCHRIST: Oh, okay, I can  
2 make a comment.

3 CHAIR GARZA: Yes, because we're -- I'm  
4 trying to keep us on time.

5 COMMISSIONER GILCHRIST: That's okay.  
6 Well, let me just say this. I think -- yes, I thought  
7 it was 5:00. I think this has been an awesome day for  
8 the testimony that we've received.

9 I think the panelists, all panelists have  
10 given us just some wonderful information for us to go  
11 back and not only study, but to inform us about what  
12 this particular hearing will produce.

13 But I want to say to you to continue to do  
14 the work. It's going to take those of us who  
15 recognize the importance of what Mr. Woods just said  
16 a moment ago, and that's the need to continue to  
17 advocate for our children. And to speak up when we  
18 know that things need to be done in public education,  
19 in ways that you demonstrated here today.

20 So, I just want to thank my fellow  
21 Commissioners. Madam Chair, thank you for allowing me  
22 to recognize my South Carolinians today.

23 And I want to thank you, all of my  
24 Commissioners and everybody who came together to help  
25 pull this off today. So, with that, I'll yield back

1 the balance of the time.

2 CHAIR GARZA: All right. Well, I do want  
3 to just note for -- again, thank you all for being  
4 here. I do want to note that this report and I'm very  
5 grateful for Commissioner Gilchrist putting this  
6 together.

7 But this report really came about because  
8 we have state advisory committees that have been  
9 looking into this issue.

10 And this is in response to kind of what we  
11 have been hearing from folks on the ground. And I  
12 look forward to seeing what all of this looks like  
13 once we put this report together.

14 But I want to say that I genuinely  
15 appreciate the support that you've given to public  
16 education, to students with special needs, to  
17 advocating for your children, to advocating for rural  
18 communities.

19 And advocating for what you believe is  
20 right for your children, right? I think all of that  
21 is critically important, and I appreciate your time.  
22 And I'm sure that the folks that are at home looking  
23 at this and watching this, appreciate everything that  
24 you have said.

25 So with that, I am going to bring this

1 hearing to an end. And as a reminder for the record  
2 for this briefing, the public comment period will  
3 remain open. So if there is public comment out there,  
4 it will be open until December 15.

5 If panelists or members of the public  
6 would like to submit materials for our consideration,  
7 which we welcome, you may mail those materials to the  
8 U.S. Commission on Civil Rights, Office of Civil  
9 Rights Evaluation, 1331 Pennsylvania Avenue, NW, Suite  
10 1150, Washington, D.C. 20425. Or you can send it by  
11 email to [teachershortage@usccr.gov](mailto:teachershortage@usccr.gov).

12 And I ask that our attendees move any  
13 continuing conversations outside of the hearing room  
14 so our staff can complete any logistics that are  
15 necessary to close out.

16 And so, having concluded this Public  
17 Briefing on the Federal Response to Teacher Shortage  
18 Impacts on Students with Disabilities, I hereby  
19 adjourn this briefing at 4:37 p.m. Eastern Time.

20 Thank you all so much.

21 (Whereupon, the above-entitled matter went  
22 off the record at 4:37 p.m.)  
23  
24  
25

**A**

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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.



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Court Reporter

**NEAL R. GROSS**

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