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U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, DECEMBER 13, 2024

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The Commission convened via Video
Teleconference at 10:00 a.m. EST, Rochelle Garza,
Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA NOURSE, Vice Chair

STEPHEN GILCHRIST, Commissioner

J. CHRISTIAN ADAMS, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

MONDAIRE JONES, Commissioner

GLENN MAGPANTAY, Commissioner

MAURO MORALES, Staff Director

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STAFF PRESENT:

ROBERT AMARTEY

DAVID BELL

CODY BOWER

BRIDGET BREW

SHERYL COZART

BARBARA DE LA VIEZ

PAMELA DUNSTON, Chief, ACSD

LATRICE FOSHEE

ALFREDA GREENE

DAVID GANZ, Parliamentarian

JOE KIM

TINALOUISE MARTIN, Director, OM

PILAR MCLAUGHLIN-VASQUEZ

DAVID MUSSATT, Director, RPCU

JULIAN NELSON-SAUNDERS

PRINCE OLUBAKINDE

ESSENCE PERRY

JOHN RATCLIFFE

ANGELIA RORISON, Director, PAU

MARK SPENCER

SYDNEY RICHARDSON-GORSKI

MARIK XAVIER-BRIER

MICHELE YORKMAN-RAMEY

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COMMISSIONER ASSISTANTS PRESENT:

NATHALIE DEMIRDJIAN-RIVEST

ALEXIS FRAGOSA

JOHN K. MASHBURN

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

STEPHANIE WONG

YVESNER ZAMAR

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

(10:05 a.m.)

1
2
3 CHAIR GARZA: Good morning, everyone. We're
4 going to go ahead and get started. This is the --
5 this is a business meeting of the U.S. Commission on
6 Civil Rights. It comes to order at 9:05 a.m. Central
7 Time or 10:05 a.m. Eastern Time on Friday,
8 December the 13th of 2024.

9 This meeting is taking place via telephone.
10 I'm the Chair of the Commission, Rochelle Garza.

11 I'd like to start with a roll call, so
12 please confirm your presence when I say your name.
13 Vice Chair Nourse?

14 VICE CHAIR NOURSE: Present.

15 CHAIR GARZA: Commissioner Adams?

16 COMMISSIONER ADAMS: Here.

17 CHAIR GARZA: Commissioner Gilchrist?

18 COMMISSIONER GILCHRIST: I'm present.

19 CHAIR GARZA: Commissioner Heriot?

20 COMMISSIONER HERIOT: I'm here.

21 CHAIR GARZA: Commissioner Jones?

22 COMMISSIONER JONES: Present.

23 CHAIR GARZA: Commissioner Kirsanow?

24 COMMISSIONER KIRSANOW: Here.

25 CHAIR GARZA: Commissioner Magpantay?

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1 COMMISSIONER MAGPANTAY: I'm here.

2 CHAIR GARZA: Thank you. And based on that
3 roll call, we not only have a quorum of Commissioners,
4 everyone is present.

5 Is the Court Reporter present?

6 And if you're having difficulty unmuting, I
7 know you are.

8 COURT REPORTER: Present.

9 CHAIR GARZA: Okay. Thank you. Is the
10 Staff Director present?

11 MR. MORALES: I am present.

12 CHAIR GARZA: Is the Parliamentarian
13 present?

14 MR. GANZ: I am present. Yes.

15 I. APPROVAL OF AGENDA

16 CHAIR GARZA: Thank you. So now we're going
17 to go ahead and proceed with today's agenda, as posted
18 on the Federal Register. We're going to consider the
19 following, a discussion and vote on the planning
20 documents for the 2025 briefing report topic on
21 language access led by Commissioner Magpantay,
22 followed by the Staff Director's report.

23 Are there any motions to amend the current
24 agenda?

25 Okay. Hearing none, then we'll go ahead and

1 move on to consider the first agenda item, the
2 discussion and vote on the planning documents for the
3 2025 briefing report topic on language access led by
4 Commissioner Magpantay.

5 II. BUSINESS MEETING

6 A. A DISCUSSION AND VOTE ON THE PLANNING 7 DOCUMENTS FOR THE 2025 BRIEFING REPORT TOPIC 8 ON LANGUAGE ACCESS

9 CHAIR GARZA: So our first order of business
10 is to look -- I apologize. We have all received the
11 planning documents for Commissioner Magpantay's
12 briefing report, and I move to adopt the planning
13 documents which include the research plan, outline,
14 and timeline for the 2025 briefing on language access
15 for individuals with limited English proficiency as
16 circulated by the Director of the Office of Civil
17 Rights Evaluation. Do we have a second?

18 COMMISSIONER MAGPANTAY: This is
19 Commissioner Magpantay. I will second.

20 CHAIR GARZA: Okay. A motion has been made
21 and properly seconded. Is there any discussion?

22 COMMISSIONER MAGPANTAY: Madam Chair?

23 CHAIR GARZA: Yes, Commissioner Magpantay.
24 Proceed.

25 COMMISSIONER MAGPANTAY: Yes. I just wanted

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1 to thank everyone for their work on this, especially
2 the staff, and all of my colleagues on the Commission
3 for their support and insight onto this topic. I know
4 we've been working -- trying to work out some kinks
5 and some developments. I, too, have had different
6 ideas, and I was happy to be able to come together.

7 So I want to acknowledge everyone's support.
8 I want to acknowledge the hard work of the staff.

9 With that, I yield back my time. Thank you.

10 CHAIR GARZA: Thank you, Commissioner
11 Magpantay. Are there any other comments from other
12 Commissioners?

13 Okay. Hearing none, we can go ahead and
14 proceed to a roll call vote. Please respond with yes
15 if you are in favor, no if you are opposed, and please
16 indicate if you are abstaining.

17 So we'll start with Vice Chair Nourse?

18 VICE CHAIR NOURSE: Aye from Australia.

19 CHAIR GARZA: Thank you, Vice Chair.

20 Commissioner Adams?

21 COMMISSIONER ADAMS: Yes.

22 CHAIR GARZA: Thank you, Commissioner Adams.

23 Commissioner Gilchrist?

24 COMMISSIONER GILCHRIST: Aye. Yes.

25 CHAIR GARZA: Commissioner Heriot?

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1 COMMISSIONER HERIOT: I vote yes.

2 CHAIR GARZA: Commissioner Jones?

3 COMMISSIONER JONES: Yes.

4 CHAIR GARZA: Commissioner Kirsanow?

5 COMMISSIONER KIRSANOW: Yes.

6 CHAIR GARZA: Commissioner Magpantay?

7 COMMISSIONER MAGPANTAY: Aye. Yes.

8 CHAIR GARZA: And Chair votes yes.

9 Congratulations, Commissioner Magpantay, that
10 concludes that issue. So we look forward to the
11 report, and the motion passed unanimously.

12 Now moving on to our next agenda item, we
13 are going to turn to Staff Director Morales for the
14 Staff Director's monthly report. The floor is yours.

15 B. MANAGEMENT AND OPERATIONS

16 STAFF DIRECTOR'S REPORT

17 MR. MORALES: Thank you, Madam Chair. In
18 the interest of time, I have nothing further to add
19 than what is already contained in the report. Please
20 contact me if you have a question about something in
21 the report. And I know we have a lengthy public
22 comment period to come up, so thank you all.

23 CHAIR GARZA: All right, thank you. Thank
24 you, Staff Director Morales.

25 Well, that concludes the business on the

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1 agenda for today's business meeting. As alluded to by
2 Commissioner -- sorry, Staff Director Morales, we will
3 reconvene here at noon Eastern Time for a public
4 listening session on teacher shortages.

5 The listening session is to follow up on our
6 November briefing entitled the Federal Response to
7 Teacher Shortage Impacts on Students with
8 Disabilities, which featured advocates, educators, and
9 families talking about the challenges and solutions
10 for that issue. Later today we are going to hear
11 directly from educators, parents, students, and
12 community members about their experiences and ideas
13 for improving access to education for students with
14 disabilities.

15 If there is nothing further, I hereby
16 adjourn the meeting at 9:12 a.m. Central, 10:12 a.m.
17 Eastern Time. Thank you so much.

18 (Whereupon, the above-entitled matter went
19 off the record at 10:12 a.m. and resumed at 12:08
20 p.m.)

21 C. PUBLIC LISTENING SESSION

22 CHAIR GARZA: Good afternoon, everyone,
23 and thank you for joining us for this public listening
24 session on the impact of teacher shortages for
25 students with disabilities. This virtual listening

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1 session of the U.S. Commission on Civil Rights comes
2 to order at 12:08 p.m. Eastern Time on December 13th,
3 2024, and is taking place via Webex.

4 I am the Chair of the Commission, Rochelle
5 Garza, and joining me today we have Vice Chair Nourse,
6 Commissioner Adams, Commissioner Gilchrist,
7 Commissioner Heriot, Commissioner Jones, Commissioner
8 Kirsanow, and Commissioner Magpantay.

9 So let me take a moment to walk through
10 our agenda and set the stage for today's session.
11 I'll begin with opening remarks followed by
12 Commissioner Gilchrist, who will provide his opening
13 remarks as the lead Commissioner on this project.
14 After that, we will move into the public comment
15 portion of this session, where we will hear directly
16 from educators, parents, students, and advocates about
17 their experiences and perspectives. Finally, we'll
18 conclude with closing remarks from the Commissioners.

19 This listening session is part of our
20 ongoing work to address teacher shortages and their
21 impacts on students with disabilities. It serves as a
22 follow-up to the Commission's briefing last month
23 entitled the Federal Response to Teacher Shortage
24 Impacts on Students with Disabilities held on November
25 15th of 2024.

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1 Today will allow us to hear directly from
2 the public, including educators, parents, students,
3 and community members. We are here to gather your
4 thoughts, your experiences, and your perspectives.
5 Commissioners will not be answering questions or
6 engaging in discussion during this session. Instead,
7 we are here to listen and ensure that your voices are
8 heard.

9 Additionally, as this is a virtual
10 session, we have taken steps to ensure everything runs
11 smoothly. However, if technical issues arise, we
12 appreciate your patience as we resolve them. During
13 the session, all microphones will remain muted, except
14 for mine and each scheduled speaker when it is their
15 time to speak. And as I introduce each speaker, your
16 microphone will be enabled to allow you to share your
17 testimony.

18 And so before we begin, I want to take a
19 moment to express my deep gratitude to the Commission
20 staff who have worked tirelessly to make today's
21 listening session possible. I want to extend a
22 special thanks to my Special Assistant, Yvesner Zamar,
23 and Commissioner Gilchrist's Special Assistant, Thomas
24 Simuel, for their efforts in planning and coordinating
25 this listening session.

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1 I also want to acknowledge the Office of
2 Civil Rights Evaluation, the Office of General
3 Counsel, the Office of Staff Director, and Public
4 Affairs Specialist Joe Kim. My heartfelt thanks goes
5 to Pam Dunston and the Administrative Services and
6 Clearinghouse Division team, including Michele Ramey,
7 Julian Nelson-Saunders, David Bell, and Antonio
8 Fonteroy for their outstanding contributions to
9 ensuring today's session runs smoothly. Your hard
10 work and dedication are deeply appreciated, and the
11 session would not have been possible without all of
12 your efforts.

13 So now let me share a few important
14 details about today's session. The session is being
15 recorded for the public record. All microphones,
16 again, are muted except for the speakers during their
17 designated time slots. All participants will have
18 three minutes to provide their remarks, and we
19 encourage participants to submit additional written
20 comments via email to teachershortage@usccr.gov by
21 December 16, 2024. And please respect the
22 three-minute time limit. I will provide a 30-second
23 warning and allow a brief moment for you to wrap up
24 before moving on to the next speaker. Your
25 cooperation will ensure that everyone has an

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1 opportunity to be heard.

2 So thank you for being here and sharing
3 your insights. I'm going to turn it over to
4 Commissioner Gilchrist for his opening remarks.
5 Commissioner Gilchrist?

6 MR. BATES: Just a reminder for all audio
7 only speakers today, you can use star-six to unmute
8 your phone line when the appropriate time is upon you.
9 Thank you.

10 Commissioner Gilchrist?

11 COMMISSIONER GILCHRIST: Can you hear me
12 okay now? Hello?

13 MR. BATES: We can.

14 CHAIR GARZA: Yes, we can.

15 COMMISSIONER GILCHRIST: Okay. Great.
16 Madam Chair, thank you so much and to my fellow
17 Commissioners for supporting this issue. You know,
18 we're here today to engage the public regarding the
19 impact of teacher shortages on special needs students.
20 We all know that special needs students require
21 tailored support and resources. Teacher shortages can
22 exacerbate existing challenges leading to inadequate
23 attention and specialized instruction for these
24 vulnerable students.

25 And by engaging with you all today, the

1 public, parents, educators, and advocates, we will
2 gain valuable insight into the real-world consequences
3 of these shortages and identify effective solutions.
4 And so I'm looking forward to the session because, you
5 know, I believe that it will further help to ensure
6 that the voices of those that are most impacted are
7 heard, ultimately giving guidance that promotes
8 greater civil rights and access to quality education
9 for all students.

10 So, again, I want to echo my Chair's
11 comments earlier regarding the staff support and my
12 fellow Commissioners' support for this effort, and I
13 look forward to the listening session. And I will
14 yield back the balance of my time, Madam Chair.

15 CHAIR GARZA: Thank you so much,
16 Commissioner Gilchrist. So with that, we're going to
17 go ahead and begin the public comment portion of our
18 session. And we're going to go ahead and hear from
19 our first speaker, Kulsoom Tapal, from the
20 organization Coalition for Asian American Children and
21 Families. So if you would please proceed.

22 MS. TAPAL: Yes. Hi. My name is Kulsoom
23 Tapal. I'm the education policy coordinator at the
24 Coalition for Asian American Children and Families, or
25 CACF. We are the nation's only pan-Asian children and

1 families advocacy organization, and today I look
2 forward to sharing the significant impact of the
3 teacher shortage on Asian American and Pacific
4 Islander students with disabilities.

5 In New York, a school-based evaluation
6 qualifies students for special education services, but
7 a chronic shortage of teachers, co-teachers with
8 certification in special education, bilingual
9 evaluators, and specialized staff undermines access.
10 Many AAPI students face intersecting barriers,
11 including language access, mental health issues, and
12 cultural stigma around disabilities, which delays or
13 prevents proper evaluation and advocacy.

14 Additionally, AAPI students have a history
15 of being underdiagnosed due to the pervasive impact of
16 the model minority myth, which falsely stereotypes
17 them as uniformly high-achieving and without need for
18 additional support. These factors leave many students
19 without adequate support, further widening inequities
20 and impacting the development and implementation of a
21 student's individualized education program, or IEP.

22 The student -- the shortage of teachers
23 and specialized staff compounds these challenges,
24 making it even harder to provide individualized
25 instruction and services. The lack of this aggregated

1 data further worsens this issue. Without a detailed
2 breakdown by ethnicity, language, and disability
3 status, the schools cannot tailor interventions or
4 recruit the bilingual, culturally competent staff
5 needed to meet diverse needs.

6 Currently, only five percent of educators
7 in New York are AAPI, while 10 percent of the student
8 body is AAPI. AAPI educators are significantly
9 underrepresented, and the financial barriers to enter
10 the teaching profession disproportionately affect
11 communities of color.

12 There is also a significant gap in male
13 educators in the classroom. Data disaggregation can
14 help highlight and address existing representation and
15 language gaps in the educator workforce, which in turn
16 will help foster a more supportive learning
17 environment.

18 Lastly, supporting students with
19 disabilities requires addressing both developmental
20 and behavioral challenges, including mental health
21 needs, which are three times more prevalent among
22 students with disabilities. Mental health services
23 are frequently reduced due to resource constraints,
24 leading to unmet needs, increased stress on educators,
25 and poorer outcomes.

1 Teacher shortages worsen these challenges
2 by increasing class sizes, limiting individual
3 attention, and restricting the ability to provide a
4 full spectrum of support from least restrictive to
5 most intensive classroom environments tailored to a
6 student's needs. Students with disabilities --

7 CHAIR GARZA: Thirty seconds.

8 MS. TAPAL: -- depend on the schools for
9 essential life skills like hygiene, mobility, and
10 self-advocacy to ensure the highest level of
11 self-assurance in the future. However, the shortage
12 of teachers makes individualized support and
13 year-round programs, deemed by many necessary to
14 prevent skill regression, difficult to sustain. This
15 disproportionately impacts students with disabilities
16 and hinders their post-secondary success outside the
17 classroom.

18 Thank you for the opportunity to testify.

19 CHAIR GARZA: Thank you so much. We will
20 now hear from our next speaker, Mike Beebe, an
21 impacted parent and former educator. You can begin.

22 COMMISSIONER MAGPANTAY: I cannot hear
23 Mike.

24 MR. BATES: Mike, please make sure you are
25 not locally muted as well. Go ahead and try again,

1 star-six.

2 Mike, at this time we cannot hear you.
3 Make sure you are not locally muted as well. You are
4 unmuted inside Webex at this time.

5 MR. BEEBE: Chair Garza, Vice Chair
6 Nourse, and members of the Commission, thank you for
7 allowing me to speak today.

8 We've put your son on the waitlist, the
9 email said. I wasn't surprised. I'm used to waiting,
10 waiting, and waiting for nearly everything for my son.
11 He's not a high school senior waitlisted for college,
12 though. He's an autistic first grader. My son waits
13 for the basics. As parents, we wait to catch a break.
14 We wait for evaluations and reports from his school.
15 We wait for occupational and speech therapy. We wait
16 for IEP services and meetings. And we certainly wait
17 for afterschool care and extracurriculars like
18 swimming, soccer, and parks.

19 In short, we are always waiting. My son's
20 story is more common than most people realize. For
21 the seven-and-a-half million children in the U.S. with
22 disabilities, waiting is the norm. COVID-19 worsened
23 the underlying inequities and funding gaps in our
24 nation's schools. Staff shortages and budget
25 shortfalls have created massive gaps, extending wait

1 times for nearly everything.

2 Our son waited nearly two years for his
3 autism diagnosis and his IEP. Staff shortages created
4 the conditions for him to be suspended five times last
5 year in kindergarten.

6 As a former high school teacher for five
7 years in the rural south, I know that it is a lot
8 worse for black, brown, and low income students.
9 Waiting for services is painful. Waiting is wasteful.
10 Waiting is inhumane. It doesn't have to be that way.

11 Every year the federal government
12 dramatically underfunds children with disabilities by
13 over \$23 billion, money that students are committed to
14 under law by IDEA. To let that sink in, we will now
15 have a moment of silence for 23 seconds.

16 (Moment of silence observed.)

17 MR. BEEBE: These challenges create a toll
18 on everyone. As parents, we are stressed, scrambling,
19 sacrificing, scraping for funds, and sometimes waiting
20 helplessly as time and opportunity slips away. Not
21 only are we failing to empower our children with the
22 skills they need to succeed in life, we are robbing
23 them of their civility.

24 Ultimately we are starving our community
25 of a stronger fabric of support that would lift us all

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1 together. This doesn't have to be a tragedy. This is
2 about the kind of society we want and can build.
3 Students are our future.

4 CHAIR GARZA: Thirty seconds.

5 MR. BEEBE: They are our leaders,
6 scientists, inventors, and, most importantly, our
7 inspiration. My son is still waiting. How much
8 longer will the millions of other children have to
9 wait? Thank you.

10 CHAIR GARZA: Thank you so much for that.
11 Our next speaker -- we're going to turn to our next
12 speaker, who is Marilyn Muller. If she -- if you are
13 on the line, please go ahead and begin.

14 MS. MULLER: Hello, my name is Marilyn
15 Muller, and I am the parent of a twice exceptional
16 child, gifted with an above average IQ, dyslexia, and
17 attention deficit disorder. I stand before you to
18 address an issue that not only impacts students but
19 shapes the future of our society, the critical teacher
20 shortage.

21 While the reason for these shortages are
22 varied, my lived experiences in Massachusetts Public
23 Schools highlight three root causes. Number one,
24 inadequate, government-run educator preparation
25 programs, referred to as EPPs; number two, a failure

1 to implement taxpayer-funded education research with
2 fidelity; and, number three, chronic non-compliance
3 with federal education regulations.

4 First, we are talking about EPPs. These
5 programs are meant to prepare aspiring educators, but
6 too often they lack evidence-based curriculum and
7 practical training in the science of learning and
8 reading. As far back as 1993, the U.S. Department of
9 Justice stated, quote, reading teachers, as a result
10 of pre-service reading methods courses, have been
11 denied a working knowledge of the reading programs and
12 methods of instruction that are most successful in
13 preventing reading failure. This problem persists
14 today. Teachers enter classrooms unprepared to teach
15 reading effectively, leaving both educators and
16 students at a disadvantage.

17 Second, taxpayer-funded education is not
18 being implemented effectively. In 2022 alone, the
19 U.S. Department of Education spent 40 million on
20 research and development for K-12 education, yet there
21 is little evidence that the research is executed or
22 implemented with fidelity in schools. As of 2022,
23 Nation's Report Card data show an astonishing 91
24 percent of fourth graders and 94 percent of eighth
25 grade students with individualized IEP programs, also

1 known as IEPs, they read below NAEP proficient
2 standards. Comparatively, and equally distressing,
3 65 percent of their non-disabled peers read below NAEP
4 proficient standards, too.

5 Third, chronic non-compliance with federal
6 education regulations. When state and local education
7 agencies accept federal funds, they must adhere to
8 numerous federal laws and guidelines. Programs like
9 the Every Student Succeeds Act and the Individuals
10 with Disabilities Education Act come with specific
11 mandates --

12 CHAIR GARZA: Thirty seconds.

13 MS. MULLER: -- for equitable access, yet
14 non-compliance is rampant, particularly in providing
15 equitable access to general education for all
16 students. This issue primarily stems from complex,
17 often outdated federal regulations and the disparities
18 in how these rules are enforced across different
19 states and districts.

20 In closing, I remind the Commission that
21 the U.S. Department of Justice has repeatedly stated
22 that the link between academic failure and
23 delinquency, violence, and crime is welded to reading
24 failure. We must overhaul government-run education
25 preparation programs to ensure each educator can teach

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1 each child how to read at grade level proficiency
2 standards. Thank you for the opportunity to speak.

3 CHAIR GARZA: Thank you. We're going to
4 go ahead and move on to our next speaker. But before
5 we do that, what I'll do is I'll play a sound, so that
6 I am not fully interrupting you. But please wrap up
7 your comments after that sound. Okay?

8 We're going to turn to Debra Tisler from
9 the Emergent Literacy and Restore Childhood
10 Organization. Please proceed.

11 MS. TISLER: Thank you. Good afternoon.
12 My name is Debra Tisler. Thank you for the
13 opportunity to speak on this critical issue, the
14 impact of teacher shortages on students with
15 disabilities. I come to you as a mother, former
16 special education teacher, and advocate with Restore
17 Childhood and Emergent Literacy.

18 Teacher shortages in special education are
19 not new. For decades, we have relied on short-term
20 fixes instead of addressing the systemic and long-term
21 changes required. The result, a worsening crisis that
22 affects our most vulnerable students.

23 Special education teacher shortages leave
24 children without the legally mandated services
25 outlined in their IEPs or 504 plans. Untrained staff,

1 combined classrooms, or positions left unfilled create
2 barriers to learning and increase dropout rates.
3 Districts often rely on long-term substitutes to
4 address these shortages or even avoid filling
5 positions entirely in order to save money.

6 Special education teachers who remain face
7 impossible workloads, often overstepping their
8 training and licensure to fill gaps in services. This
9 leaves both students and educators at risk. Even
10 worse, unqualified staff often misidentify
11 disabilities, incorrectly applying eligibility
12 criteria under IDEA. This misidentification not only
13 compromises the quality of education but limits
14 progress for students and their future outcomes.

15 The consequences of these shortages are
16 far reaching. Students with disabilities face
17 barriers to accessing the curriculum, leading to poor
18 literacy and numeracy outcomes. Consider these facts,
19 decades of non-compliance with IDEA Section 504 and
20 Title II of ADA have left countless students without
21 the tools to achieve postsecondary success.

22 A recent NCES study revealed alarming
23 statistics. Twenty-eight percent of individuals age
24 16 to 65 in the U.S. struggle with literacy, and
25 34 percent face challenges with numeracy. The

1 correlation between illiteracy and incarceration,
2 highlighted by the DOJ in 1993, underscores the
3 societal cost of failing our students. Decades of
4 NAEP data indicate no significant gains for students
5 with disabilities.

6 The solution begins with realigning
7 funding formulas to shift resources away from top
8 heavy administrative costs and toward direct services
9 such as qualified teachers, related service providers
10 and instructional assistants, and parent training.
11 Additionally, implementing guardrails within the
12 funding formulas is essential to ensure the use of
13 evidence-based methods and effective application of
14 federally funded research.

15 We must also invest in special education
16 teacher recruitment and retention through competitive
17 salaries, leadership opportunities, and scholarships
18 and grants, which serve as opportunities to complete
19 licensure requirements, utilize private and non-profit
20 vendors to fill vacancies, and provide comprehensive
21 training for general education teachers, and fund dual
22 licensure programs with incentives, and, last but not
23 least, enforce compliance and oversight.

24 When we address teacher shortages, we
25 aren't just filling vacancies. We are ensuring that

1 every child, regardless of ability, has the
2 opportunity to achieve their American dream. Thank
3 you so much for the opportunity to speak today.

4 CHAIR GARZA: Thank you so much for your
5 comments. We're going to go ahead and turn over --
6 turn it over to Ray Nelson from Nelson Advocacy. If
7 you would please proceed.

8 MR. NELSON: Hello, Commissioner, and
9 members of USCCR. Thank you for listening today.

10 I wanted to call and tell you the story of
11 three local school districts that I advocate in
12 regularly, and one of which my son graduated from.
13 I'm not going to give their names, because I know that
14 they are trying to hire teachers and they are doing
15 their best, but these three districts have handled the
16 shortage in three distinct ways.

17 One district, I had a client who did not
18 have a teacher for his room. He's in a special
19 education autism room, and there were
20 paraprofessionals but no teacher assigned to the room.
21 Naturally, I advocated for my client to be moved,
22 which solved his problem, but the other children in
23 the room were not receiving an education.

24 So I'm not sure how their solution -- or
25 my solution helped them. It didn't, right? If

1 anything, it took resources away from that classroom
2 that are used in the other classroom to help my
3 client. So I see students being denied a fate because
4 they don't have a teacher.

5 Another district is, instead of providing
6 extra supports to students who need additional
7 support, they are reducing school days. So they are
8 attempting to convince parents that rather than add
9 extra support in the form of one-to-ones or
10 paraprofessionals or behavioral support, instead they
11 will look at a modified school day that shortens the
12 amount of time the student can access their education.

13 Naturally, this also leads to a loss of
14 fate for those kids because they are not getting the
15 education that they deserve. Again, they don't have
16 the staff to provide these services, so this is their
17 internal administrative solution to a problem that
18 everyone is facing. It's not an acceptable one, but
19 it's one solution.

20 The third solution I see is there is a
21 district that is pushing back harder than ever on new
22 eligibilities in Child Find meetings and simply
23 refusing to find students eligible for special
24 education who have medical diagnoses and have
25 exhibited a need for supports in school. Kids who

1 need specially designed instruction aren't getting it
2 because the schools are refusing to find them eligible
3 because they know they don't have the teachers
4 necessary to provide the services. Again, this leads
5 to a loss of fate for all of those kids who are
6 denied.

7 Okay. Are they getting some educational
8 benefit from going to school? Probably, but they're
9 not receiving a free and appropriate public education
10 as defined by IDEA.

11 So I think -- I don't know how to solve
12 the problem, but I wanted USCCR to know this is how
13 it's playing out in the area around Fredericksburg,
14 Virginia. I've seen other things in other districts,
15 but these were the three most glaring.

16 I thank you for your time today, and I
17 hope you guys can get -- can hear what we're saying
18 and come up with some solutions. Thank you.

19 CHAIR GARZA: Thank you so much for your
20 comments. We're going to go ahead and turn to our
21 next speaker, Glenda Scherer from Unheard Parents of
22 Oregon. If you want to go ahead and unmute yourself,
23 you can begin.

24 MS. SCHERER: Just a moment. Let me pull
25 up my speech.

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1 Hello there. Thank you for the
2 opportunity to speak today. My name is Glenda
3 Scherer, and I reside in Oregon. I'm a licensed -- I
4 am licensed to teach special education, English
5 language arts, and special reading K-12.

6 I taught for nearly 20 years in public
7 schools and case managed the IEP process for students.
8 I have two children, seven and 13. My seven-year-old
9 is identified and receives services under IDEA.

10 I am open to follow-up questions from
11 members of the Commission or members of the media who
12 wish to contact me regarding my testimony today. I
13 can be reached at unheardparents@gmail.com.

14 Oregon, like many states, is facing a
15 teacher shortage crisis. The Oregon legislature is
16 attempting to address the issue by allowing the
17 Director of Teacher Standards and Practices
18 Commission, TSPC, to issue waivers for credentialing
19 requirements. The Director can waive requirements in
20 part or whole, and, once issued, that person is fully
21 licensed without restriction. There is no mechanism
22 for recalling that waiver.

23 There is evidence that TSPC directors have
24 sidestepped the process for waivers. Components that
25 are typically waived include testing, experience,

1 education, practicums or programs of completion at an
2 approved institution.

3 Our local school district hired a Director
4 of Student Services, and parents had no idea that he
5 was the recipient of a waiver. His admin license had
6 actually expired in 2001, but the district hired him
7 anyway. Internal TSPC emails showed that TSPC staff
8 had concerns about giving him a waiver. But because
9 the district had already hired him, the waiver went
10 through. This individual was a member of my son's IEP
11 team and slashed the level of support my five-year-old
12 was provided, and this was done without data that
13 supported that decision.

14 He refused my request for an IEP meeting
15 10 times from early June 2022 to September 2022, even
16 when I asked him to carefully consider my request and
17 shared that I had new information that was relevant
18 for my son's programming.

19 My expertise as a licensed special
20 education teacher and knowledge of my son as his
21 parent was treated with disdain. My five-year-old's
22 demeanor changed dramatically once kindergarten
23 started, including him having daytime accidents,
24 scratching his face, and hitting himself. We noticed
25 bruises under both armpits, on his collarbone and

1 forearms. No one at the district or any state agency
2 has helped us.

3 Because of the concerns for our son's
4 safety and his well-being, we were forced to transfer
5 to a neighboring district. I spend two hours each day
6 transporting my son to and from school, and this
7 prevents me from working full-time and earning money
8 for my family. I think that this is a violation of my
9 son's civil rights, but no one seems to help us.

10 Thank you so much, and I do hope that you
11 will take what people are saying and make some changes
12 so that states are accountable for what is happening
13 with students with disabilities. Thank you.

14 CHAIR GARZA: Thank you very much. We are
15 going to go ahead and move on to hearing from Adriana
16 De Los Santos. If you are on, please feel free to
17 unmute, and you can begin. You have three minutes.

18 MS. DE LOS SANTOS: Good morning, Chair
19 Garza and board of Commissioners. My name is Adriana
20 De Los Santos. I am a parent of an eight-year-old boy
21 who receives special education and related services.
22 In addition, I am a passionate advocate for all
23 students with disabilities.

24 When my son was in kindergarten, his class
25 had substitute teachers most of the school year. In

1 first grade, the district hired a SPED teacher with a
2 visa from a different country. She was in the class
3 for the first couple of months of school. Then his
4 class was assigned a long-term sub for the remainder
5 of the academic year.

6 The SPED teacher shortage has had
7 long-term effects on many students. Now, in the third
8 grade, he has a credentialed SPED teacher, but my son
9 does not know how to read. The lack of qualified SPED
10 teachers has impacted many students physically,
11 mentally, and emotionally.

12 Teacher shortages, many teachers leave
13 because they are not well supported by their
14 administrators. They often require a wider variety of
15 teaching materials and curricula in order to apply
16 appropriate accommodations, but their budgets are not
17 larger than their gen ed colleagues, so they either
18 pay out of pocket, create their own materials, or do
19 without.

20 SPED teachers in classrooms with higher
21 support needs students frequently have
22 paraprofessional staff they are expected to train,
23 supervise, and discipline as necessary, in addition to
24 their teaching and case management responsibilities
25 for their students. Gen ed teachers are not typically

1 expected to manage other staff in addition to
2 students.

3 In situations where students have
4 challenging behaviors, availability of qualified
5 behavior specialists may be limited, a few total in
6 the district, rarely even one per school site, which
7 leaves the SPED teachers responsible for mitigating
8 risk to the students and themselves along with all of
9 their other obligations. SPED teachers'
10 administrative and paperwork requirements for IEPs are
11 quite a lot greater than those for gen ed teachers.

12 But SPED teachers are not given additional
13 prep time to complete paperwork or attend meetings.
14 They typically have the one period per day their gen
15 ed peers have. SPED teachers need and deserve
16 reasonable compensation, substantial budgets to cover
17 costs of instructional materials, increased prep time
18 and relief time to address their additional
19 obligations regarding meetings and documentation, a
20 lot more professional development resources,
21 especially those that allow the teachers to select the
22 training opportunities they believe will benefit them
23 rather than having to attend the mandatory programs
24 the district selects for all teachers, and many, many
25 more qualified behavior specialists and behavior

1 support staff.

2 Teachers must be empowered to teach and
3 not spend all of their time managing behaviors. Today
4 I ask for your help to uphold educational and civil
5 rights for all students, please. Thank you for your
6 time.

7 CHAIR GARZA: Thank you very much for your
8 time. We are going to go ahead and turn to Sue Kemp
9 from the University of Nebraska-Lincoln. If you want
10 to go ahead and unmute yourself and begin, you have
11 three minutes.

12 MR. BATES: We cannot hear you at this
13 time. Make sure you are not locally muted as well.

14 MS. KEMP: Okay. Now can you hear me?

15 MR. BATES: We can.

16 MS. KEMP: Okay. Thank you. Let me start
17 again. Thank you for the opportunity to present
18 today. My name is Susanne Kemp. I am a professor at
19 the University of Nebraska in Lincoln.

20 I take a little bit different view on
21 this. We graduate a fairly good number of students
22 endorsed in special education every semester. They
23 enter the schools prepared to teach special education.
24 However, the schools are not retaining them, and I
25 think retention is maybe an issue that we're not

1 looking at, which then perpetuates the need for more
2 students coming in to be highly qualified special
3 education teachers.

4 In the State of Nebraska, our legislature
5 is attempting to address this in ways that I think are
6 harmful to students with disabilities. They are
7 reducing the standards. They are reducing the
8 qualifications to get in, and they are really boiling
9 it down simply to let's get them in easier to EPP
10 programs, such as the University of Nebraska, let's
11 get them in, let them get out as quickly as possible.

12 But what's happening is then they are not
13 prepared to deal with the mental health needs, the
14 planning needs that have been addressed, the lack of
15 support in school, and just the needs that are ever
16 present with the population. Therefore, schools are
17 forced to then bring in people that are not qualified,
18 even my own students who have not completed a training
19 program, having paraeducators take on more, and having
20 general education, quote, fill the holes, so there is
21 an adult with the students, whether or not they are
22 trained.

23 Therefore, that is why I am saying it's
24 retention. People that are teaching our students with
25 special education needs need to have the most

1 training, as do our general education teachers.
2 Students are fully included in general education
3 classes, and oftentimes general education teachers
4 have one class, if that, in special education.

5 Therefore, I think we need to address it
6 twofold, both getting qualified students into training
7 programs, but also work to retain those highly
8 qualified special education teachers when they are
9 hired by giving them more support, more training, and
10 more pay that is more in line with what they do.

11 Thank you for this opportunity.

12 CHAIR GARZA: Thank you so much for your
13 comments. I believe that wraps up our speakers for
14 block one. Again, thank you all so much for coming
15 today and sharing your comments.

16 We're going to go ahead and take a quick
17 break and -- a five-minute break, and we'll go ahead
18 and reconvene -- actually, we'll reconvene at 12:50.

19 (Whereupon, the above-entitled matter went
20 off the record at 12:44 p.m. and resumed at 12:54
21 p.m.)

22 CHAIR GARZA: Welcome back, everyone. We
23 are going to go ahead and continue our listening
24 session on teacher shortage and the impact on students
25 with disabilities. Again, our speakers, as a quick

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1 reminder, have three minutes to speak. You will hear
2 a sound that indicates you have 30 seconds left, so
3 please go ahead and wrap up your comments then.

4 So we're going to go ahead and begin. Our
5 next speaker is Mushana Dunham Bey from the New Jersey
6 Regional PTA. You can go ahead and proceed.

7 MS. DUNHAM BEY: Hello. Can you hear me?
8 I don't see a timer, so I was waiting to see the timer
9 on the screen.

10 Okay. Hello.

11 CHAIR GARZA: You can begin.

12 MS. DUNHAM BEY: Good afternoon. I am a
13 member of the Regional -- excuse me, I Mushana K.
14 Dunham Bey. I'm a member of New Jersey Regional PTA,
15 member of COPA, member of New Jersey Family Engagement
16 Hub Advisory Committee.

17 As a member of the committee, I identify
18 as a person with a disability and neurodivergent. I
19 am an educator of over 20 years, certified tutor,
20 certified substitute with a bachelor's of psychology,
21 and an associate's early child education. I am a
22 veteran. I am a former federal transportation
23 officer.

24 Today my statement is based on my
25 experience in New Jersey, specifically Essex County.

1 What we are discussing was only exacerbated by the
2 pandemic.

3 Since I became familiar personally,
4 directly impacted with special education back in 2007
5 and 2008, I am fully aware as a mixed race single
6 mother of disproportionality and its effects on the
7 usual discriminating groups in American education --
8 those with disabilities, those with special needs,
9 black, Latino, people of color, low socioeconomics,
10 multiple language learners, formerly ESL students,
11 just to name a few.

12 So I want to speak for those who are
13 unaware, who drop their children to school with the
14 hope and/or faith that they will be supported and
15 educated in ways they themselves cannot provide. I am
16 specifically speaking for those impacted in East
17 Orange New Jersey School District. We are currently
18 on the news.

19 However, I speak as a pro se litigant. I
20 have, since 2018, been in ongoing due process
21 litigation. I have, in addition, submitted ongoing
22 state-level complaints on behalf of my child and the
23 students in this district on behalf of students with
24 IEPs, classmates, and, most recently, on behalf of
25 students receiving special education, speech services,

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1 in addition to office of Civil Rights complaints.

2 I have worked with and received assistance
3 through Legal Services of New Jersey rights -- and New
4 Jersey rights of -- New Jersey disability rights of
5 New Jersey, and the list goes on, in my efforts to
6 expose the broken New Jersey school system and OAL
7 system. John Rew, et al., went to the highest courts
8 in this country on behalf of families in this area.

9 Currently, I have a freshman daughter in
10 college who would have benefited from 504 services in
11 high school. I have a 10-year-old adopted nephew with
12 an IEP and autism, who was supposed to start off this
13 school year with a one-to-one aide, but he did not. I
14 have a junior in college who has a 504. When she
15 graduated from high school, she walked across the
16 stage with an IEP and did not accept her diploma. We
17 went on to due process, so we could get compensatory
18 education for all that she lost during the pandemic
19 without avail.

20 I wanted to piggyback off of Commissioner
21 Gilchrist who speaks -- who spoke about exacerbated --
22 excuse me, talent supports that -- that special
23 education students did not receive during the --
24 because of the exacerbation of the pandemic and did
25 not receive personal attention, specialized

1 instruction, and because of that received limited
2 quality education, a disruption in continuity of
3 services, and hindered academic progress and social
4 development.

5 He spoke about how disturbed he was in
6 meetings regarding disrespect and disregard for
7 parents and their power they should have. He spoke
8 about the panel being solutions and highlights for
9 innovative practices that can mitigate those
10 challenges. He said that the goal was not to raise
11 awareness but to inspire action and collaboration
12 among educators, policymakers, and community members.

13 To date, the IDEA has never been fully
14 funded. The first speaker on that panel of
15 November 13 spoke about lowering New Jersey teacher
16 requirements, and he touched on so many other topics.

17 Today I ask that there be accountability
18 on the state level and the federal level as we
19 continue these conversations openly, and that, as
20 Commissioner Morales said, we continue to be the
21 nation's eyes and ears in civil rights. Thank you.

22 CHAIR GARZA: Thank you very much. We are
23 going to go ahead and move to our next speaker,
24 Danielle Damm from NAPSEC. Again, at the 30-second
25 mark, you're going to hear a sound, so please wrap up

1 your comments then. Please go ahead and unmute, and
2 you can begin.

3 MS. DAMM: Thank you. My name is Danielle
4 Damm. I am the Executive Director of NAPSEC. NAPSEC
5 is the National Association of Private Special
6 Education Centers. NAPSEC was established in 1971 as
7 a non-profit association with the vision of supporting
8 access to appropriate special education programs as
9 vital components of the continuum as required under
10 IDEA.

11 Together with our state association
12 partners we collectively represent over 800 non-public
13 early intervention providers, day schools, residential
14 therapeutic centers, and adult service programs.
15 These specialized programs have the ability to serve
16 students with the most complex social, emotional, and
17 behavioral needs.

18 Nearly all the students attending our
19 member programs are publicly placed and publicly
20 funded. They are public school students whose unique
21 and complex needs could not be met in their local
22 public school. Most are referred to our programs at
23 the request of their parents or guardians in
24 consultation with our public school partners. Our
25 members are proud to offer individualized education,

1 behavioral health, and clinical services to
2 exceptional students with exceptional needs.

3 Our national shortage in special educators
4 have continued to grow alongside the increased need
5 for special education services. Following the return
6 to in-person instruction after the pandemic, our
7 private special education programs have seen an
8 increase in the number of referrals and an overall
9 increase in the complexity and severity of the needs
10 of these students.

11 I am extremely proud of how our members
12 have risen to meet this need while navigating staffing
13 challenges and stretching limited resources. They
14 have succeeded at maintaining high quality programming
15 and providing specialized services to some of our
16 nation's most vulnerable youth.

17 However, these teacher shortages have had
18 a real impact on the ability of these programs to do
19 what they do best: provide high quality,
20 individualized, and highly specialized services. And
21 one important example, some schools have had to limit
22 enrollment due to teacher shortages.

23 Simply put, our members would be able to
24 serve more students if they were able to hire and
25 retain more teachers. Their ability to accept

1 referrals are strained when teacher vacancies cannot
2 be filled. Tragically, students with the most complex
3 needs are being waitlisted and are not always
4 receiving the services they desperately need.

5 Further, the teacher shortage itself is
6 driving a compounding problem. Research clearly shows
7 that the number of teachers leaving the field of
8 special education is among the largest contributors to
9 the growing shortage. High job demands without
10 adequate support and resources lead to teacher
11 burnout. Less teachers mean increased burnout for
12 those who choose to remain in the field, and this
13 vicious cycle continues.

14 Our member programs have an incredible
15 amount of expertise and a unique ability to impact the
16 lives of students with the most complex and intensive
17 needs. Their services can be quite literally
18 lifesaving. With more teachers, we would be able to
19 support more students with a goal of delivering the
20 necessary services to return these students to their
21 public schools as early as possible whenever possible.

22 We look forward to supporting solutions to
23 this critical need and to submitting our
24 recommendations along with supporting data and
25 information to this Commission.

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1 Thank you for this opportunity. This
2 concludes my remarks.

3 CHAIR GARZA: Thank you very much. We're
4 going to go ahead and turn to our next speaker,
5 Jennifer DeWaard from the Michigan Council for
6 Exceptional Children and Grand Valley State
7 University. You have three minutes when you unmute.
8 And, again, you will hear a sound at the 30-second
9 mark.

10 DR. DEWAARD: My name is Dr. Jennifer
11 DeWaard. I am a member and representative of the
12 Michigan Council for Exceptional Children and
13 currently a professor at GVSU.

14 The special education teacher and
15 professional shortage deeply impacts our schools,
16 families, and communities, and I thank the Chair and
17 this Commission for the opportunity to speak.

18 I am a 34-year veteran special education
19 instructor and leader working in West Michigan Public
20 Schools. In my current role, I work at the university
21 level with teacher candidates preparing to enter the
22 field.

23 The teacher shortage crisis is historical
24 and continues in a disparaging cycle. As a special
25 education teacher, during my last year in the

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1 classroom in 2021, my daily deep frustration was
2 entering my classroom every day knowing that I didn't
3 have the time, staff, and physical support necessary
4 to meet my students' needs.

5 My work and program focused on students
6 with intensive needs in their home or neighborhood
7 school. I was the only teacher with a part-time
8 paraprofessional responsible for addressing the needs
9 of the students in this population. While this may
10 sound like an adequate staff-to-student ratio, their
11 needs told a very different story. Many of these
12 students would qualify for one-to-one support if
13 trained staff and the funding to hire those staff were
14 available.

15 At the end of 2021, I left the classroom
16 largely because of these working conditions. I could
17 no longer face the daily reality of meeting some of
18 the students' basic needs while leaving others without
19 their necessary and legally required individualized
20 support.

21 As this problem continues, I find myself
22 in a peculiar position in this cycle. Understaffed
23 and underfunded work conditions pushed me out, but I
24 am now training teacher candidates to enter that very
25 work setting. I am able to do this because we have a

1 couple of unique solutions in Michigan.

2 First, we are working to break down some
3 of the barriers to becoming a special education
4 teacher, so that more people can enter the field. We
5 offer a \$9,600 stipend for all student teaching
6 semesters to help teacher candidates manage the
7 financial burden. We are also revamping and updating
8 our teacher certification structures to keep the
9 training rigorous but more manageable.

10 Concurrently, we have state groups
11 beginning to work on alleviating some of the
12 problematic working conditions for special education
13 teachers and professionals. One group is focused on
14 the issues and data needed to illustrate that student
15 numbers or the caseload of a special educator does not
16 equal workload. Efficiency and data, strictly by the
17 numbers, does not tell the true story of the work
18 required in instruction and programs. Much more needs
19 to be done.

20 Lastly, we cannot end this cycle of not
21 enough special education staff causing poor working
22 conditions which increases turnover without adequate
23 funding. The bills and work to support a glide path
24 to full funding for IDEA would begin to help increase
25 available staffing dollars at all levels.

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1 Thank you again for the opportunity to
2 speak on this important issue.

3 CHAIR GARZA: Thank you very much. We're
4 going to go ahead and proceed to our next speaker,
5 Concetta Lewis, from the Ann Arbor Public Schools.
6 You have three minutes when you go ahead and unmute
7 yourself and begin.

8 MS. LEWIS: Okay. Good afternoon. Thank
9 you for giving me the opportunity to speak to the
10 Commission today. I am Concetta Lewis, Assistant
11 Superintendent in Ann Arbor Public Schools. I have
12 over 25 years of K-12 education expertise as a special
13 education teacher, a general education teacher,
14 principal, and special education administrator.

15 I am currently the immediate past
16 president of the Michigan division for the Council for
17 Exceptional Children and a current board member for
18 the Council for Exceptional Children.

19 I come before you today to share some of
20 the challenges I and my colleagues have experienced in
21 recent years related to filling vacancies for special
22 education positions in Michigan. Currently, I work at
23 one of the top districts in our state. We are ranked
24 number 11 out of 539 districts across the state with
25 four high schools that are ranked in the top 50 in our

1 state.

2 Even as a high-performing district, we
3 still have difficulty filling open positions. As of
4 today, we have 22 open certified and licensed special
5 education positions that include three school
6 psychologists, four or more social workers, and I say
7 or more because I would hire every social worker that
8 I could to meet the increased social, emotional, and
9 mental health needs of the students that we are
10 serving.

11 We have 10 special education teacher
12 openings, five speech and language therapists, two
13 school nurses, and one occupational therapist. In
14 addition, we have approximately 75 openings for
15 paraeducators in our district.

16 I want to note that we are continuously
17 filling positions but also continuously receiving
18 resignations and retirements. So while maybe since
19 September we have hired several individuals, we have
20 also received lots of resignations and retirements.

21 From the spring of 2023 to the fall of
22 2023, while working in Rochester Community Schools,
23 another high-performing district in Oakland County,
24 Michigan, as Assistant Superintendent for Special Ed,
25 we experienced similar challenges related to staffing.

1 For example, there was a time we went
2 through five different cycles of interviewing for
3 social workers because every time we would make an
4 offer to a social worker they would decline the offer
5 because we could not be competitive with salaries and
6 benefits, often going to serve in non-school settings
7 such as private therapy centers or healthcare
8 networks.

9 Last August, just a few weeks before
10 school was to start, I asked a room of 700 special ed
11 administrators who was fully staffed and ready to
12 start school. There was only one hand that went up in
13 that entire room.

14 Districts have also experienced a
15 significant increase in the number of students
16 entering school at older ages, such as six or seven,
17 that have not had any school experience and enter with
18 challenging behaviors and limited skills appropriate
19 for the school setting.

20 We have had teachers that have been
21 physically hurt by students experiencing traumatic
22 outbursts. For example, this year one of our resource
23 teachers was hit in the eye by a student new to the
24 school setting, which required the teacher to be on
25 leave for a few weeks and was without sight in one of

1 her eyes for a couple of weeks as well.

2 We've had several staff this year indicate
3 that they are planning to retire at the end of the
4 year, and some are even asking to retire before the
5 year ends.

6 Another interesting fact is that while our
7 overall student enrollment has decreased annually for
8 the past few years, the number of students who qualify
9 for special education has increased. We have gone
10 from conducting 178 initial evaluations in the 2021
11 school year to 481 in the '23-'24 school year. As of
12 November 21st --

13 CHAIR GARZA: You're over your time.

14 MS. LEWIS: I'm sorry.

15 CHAIR GARZA: You're over time. Please
16 wrap up. Thank you.

17 MS. LEWIS: Oh, I'm sorry. I didn't hear
18 the 30 seconds. I'm so sorry.

19 CHAIR GARZA: Oh, it's okay.

20 MS. LEWIS: Okay.

21 CHAIR GARZA: Go ahead.

22 MS. LEWIS: I'll stop. I'm sorry.

23 CHAIR GARZA: That's okay. No, no, no. I
24 appreciate it. I just wanted to give you the
25 opportunity to give one last thought.

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1 MS. LEWIS: Okay. So the last thought is
2 that we have partnered with universities and through
3 the Michigan Association of Special Ed Administrators,
4 partnered with state agencies to offer some of your
5 own programs and alternate routes to certification.
6 Those have been effective, but, again, just not
7 meeting that overall need. Thank you.

8 CHAIR GARZA: Thank you very much. We're
9 going to go ahead and turn to Nick Tuell, an impacted
10 parent. If you would go ahead and unmute yourself,
11 and you can go ahead and begin. Again, we'll do our
12 best to give you a 30-second marker.

13 MR. TUELL: Hi. Can you hear me?

14 CHAIR GARZA: Yes. Go ahead.

15 MR. TUELL: All right. Great. Thank you
16 to the Commission and to the staff for organizing the
17 opportunity for me to address this important issue.

18 My name is Nick Tuell. We live in Ohio.
19 We all want to raise our children in a nation that
20 values their education and provides for every child's
21 unique needs. Programs like individualized education
22 plans and 504 plans are vital to achieving these
23 goals.

24 The United States Department of Education
25 provides oversight to these programs to ensure that

1 every child has a federal right to an education,
2 regardless of which school or district they attend.

3 Our son Jackson is five years old,
4 autistic, non-verbal, and struggles in most academic
5 and social environments. But don't let that fool you.
6 Jackson shows a desire to learn, play with his peers,
7 and tries again after failure. He loves waffles,
8 jumping on the trampoline, and playing with his sister
9 Charli.

10 Thanks to Jackson's IEP, we worry a little
11 bit less about his future because it empowers him to
12 grow and communicate his needs to those around him.

13 But our story isn't unique. Families
14 across the country depend on these programs to ensure
15 that our kids receive the tailored services they need
16 to succeed in school and beyond, yet today these
17 programs and Jackson's future face significant
18 threats. New efforts to eliminate the United States
19 Department of Education halts federal oversight and
20 shifts implementation of these programs to states or
21 other agencies.

22 Should that be successful, the rights and
23 futures of eight million students with disabilities
24 could be in jeopardy. According to Edunomics Labs and
25 Georgetown University, my state, Ohio, ranks dead last

1 in our special education staff-to-student ratio, just
2 18 staff for every 200 students. But states like New
3 York, New Hampshire, Hawaii, have over three times
4 that amount.

5 If they are successful in eliminating the
6 Department of Education, it could intensify Ohio's
7 special education teacher shortage, possibly leaving
8 our son Jackson and our most vulnerable students
9 without critical resources they need to grow,
10 including access to speech, occupational, and physical
11 therapies, leading to increased behavioral issues,
12 lower academic achievement, and reduced progress in
13 social, emotional, and functional skills.

14 In conclusion, without oversight and
15 enforcement by the United States Department of
16 Education, special education staffing could vary even
17 more from state to state, leading to increased
18 inequality where its child access to quality education
19 depends solely on their ZIP code. This would
20 disproportionately affect low-income families,
21 effectively denying children with disabilities a fair
22 chance at educational success and placing significant
23 strain on their well-being.

24 Thank you to the Commission and to the
25 staff for allowing me to speak today.

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1 CHAIR GARZA: Thank you very much. And,
2 again, I appreciate the patience with the
3 technological issues.

4 I believe that concludes our speakers from
5 block two, so we'll go ahead and take a five-minute
6 break and reconvene at 1:20 p.m. Eastern Time.

7 (Whereupon, the above-entitled matter went
8 off the record at 1:15 p.m. and resumed at 1:22 p.m.)

9 CHAIR GARZA: All right. I believe we are
10 back. Again, this is a listening session for the
11 teacher shortage -- the impact of teacher shortages on
12 students with disabilities. We're going to go ahead
13 and continue with our speakers.

14 Our next speaker is Aaron Parsons from the
15 Kennedy Krieger Institute. You have three minutes,
16 and you will receive a 30-second marker. So if you
17 want to go ahead and unmute, you can begin.

18 DR. PARSONS: Thank you. Good afternoon.
19 My name is Dr. Aaron Parsons, and I'm Vice President
20 for School Programs at Kennedy Krieger Institute. I
21 also serve as the public policy chair for the National
22 Association of Private Special Education Centers.

23 Kennedy Krieger is an internationally
24 known healthcare organization dedicated to improving
25 the lives of children and young adults through care

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1 and research focused on pediatric developmental
2 disabilities and disorders of the brain, spinal cord,
3 and musculoskeletal system. We operate five
4 non-public schools in the State of Maryland.

5 I've been a special education teacher and
6 administrator for 30 years. All of those years have
7 been spent in private or public -- non-public special
8 education. Teacher shortages are a nationwide crisis,
9 but their effects are particularly severe in special
10 education where the need for adequately prepared
11 teachers is critical.

12 Non-public schools, which are highly
13 specialized settings, require staff who are
14 well-trained to educate individuals with complex
15 learning needs. In non-public schools now,
16 administrators who are also well-trained spend much of
17 their time delivering services directly to students
18 while also overseeing their programs. While the
19 quality of the services remains high, the situation
20 isn't tenable, and we believe we are approaching a
21 tipping point.

22 Non-public programs play a crucial role in
23 assisting students to become active and engaged
24 citizens. They focus on increasing students'
25 independence and workforce readiness. They decrease

1 their need for other forms of assistance.

2 All people want to be independent and
3 productive, and our students are no different. We
4 have longitudinal data demonstrating that our
5 graduates are more likely to be employed and engaged
6 in community than students from other special
7 education settings. If we reach this tipping point,
8 the impact will be profound.

9 Students with disabilities may face
10 increased dependency, reduced opportunities for
11 employment, greater social isolation, and, in turn,
12 this will place a greater burden on social services
13 and the broader community.

14 To address this issue, we must prioritize
15 the recruitment and retention of special education
16 teachers through competitive salaries, comprehensive
17 training programs, and robust systems of support. We
18 must not attempt to solve this problem by lowering the
19 bar for qualification to serve in these classrooms.
20 Our teachers require content experience and expertise
21 in evidence-based interventions for individual student
22 needs.

23 Additionally, we need to advocate for
24 policies that reduce the administrative burden on
25 teachers, allowing them to focus on individualized

1 instruction.

2 I don't believe it's too late to start
3 taking these steps, but I do want to sound this note
4 of caution, that the administrators and the other
5 staff in non-public settings are reaching a point of
6 exhaustion due to the shortage of teachers.

7 So I really want to thank you for your
8 time and dedication and the attention that you are
9 bringing to this issue. Thank you.

10 CHAIR GARZA: Thank you very much,
11 Dr. Parsons. We will turn to our final speaker,
12 Dr. Donald Garner from Clark & Garner. You have three
13 minutes to speak. Again, you will hear a 30-second
14 sound -- a sound at the 30-second mark, and if you go
15 ahead and unmute yourself, you can begin now.

16 DR. GARNER: Thank you. Hello. My name
17 is Dr. Donald Garner, and I am currently the principal
18 consultant of Clark & Garner, a New York City-based
19 educational consulting firm. In this role, I create
20 education-based programs and initiatives for schools,
21 non-profits, higher education systems, and
22 corporations.

23 I am also an adjunct professor with the
24 Fordham Graduate School of Education where I teach
25 issues in urban ed at the doctoral level.

1 Prior to launching my company, I served as
2 a teacher recruitment manager for the New York City
3 Department of Education in the Office of Teacher
4 Recruitment and Quality. In this capacity, I was
5 responsible for building a viable pool of teacher
6 candidates and collaborating with principals mostly in
7 the South Bronx to help them staff their schools.

8 One of our greatest challenges we faced
9 each year was finding right-fit candidates to meet the
10 unique needs of students with disabilities in our
11 system. In other words, these students were more at
12 risk of not having enough teachers to educate them.
13 After a few years of confronting this challenge, our
14 leadership team and I took a macro approach and met
15 the deans of nearly every college education who were
16 responsible and supplying our system with teacher
17 talent and informed them with data about what our
18 market actually needed compared to what they are --
19 what their designations were certifying students with.

20 One of our primary approaches was asking
21 them to encourage and empower their students to become
22 dually certified in their core subject area along with
23 a special education designation. As we mentioned, it
24 would also make them more employable than just having
25 one certification.

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1 That approach still has a lot of promise,
2 and I strongly recommend allocating funds and
3 incentives for local colleges and universities to
4 motivate, train, and equip their students in other
5 certification areas to become dually certified,
6 particularly in special education.

7 This would be shifting our mindset to
8 become more sensitive about what students and systems
9 actually need and strengthen our practice with new
10 skills to ensure they are learning proficiently. This
11 is a powerful step, in my opinion, in the right
12 direction as we strive to close the academic and
13 social gaps of students with disabilities in this
14 current climate in years and decades ahead.

15 Thank you for this opportunity.

16 CHAIR GARZA: Well, thank you so much for
17 your comments. We have now completed the hearing from
18 all of our registered speakers. On behalf of myself
19 and the rest of the Commissioners, I would like to
20 thank each of you for taking the time to share your
21 experiences with us today. And, as a reminder,
22 today's session was open to pre-registered speakers
23 only, and we will not be opening the floor to
24 additional participants.

25 If you did not have the opportunity to

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1 speak today, or if you were a speaker and you have
2 additional comments, we encourage you to submit your
3 written comments. Written comments can be submitted
4 to teachershortage@usccr.gov -- again, the email
5 address is teachershortage@usccr.gov -- by
6 December 16th, 2024.

7 So, at this time, we are going to go ahead
8 and transition to closing remarks from Commissioners.
9 I'll go ahead and call on each of the Commissioners --
10 each of our Commissioners to share their reflections
11 or closing remarks, if you have any.

12 So we'll go ahead and start with Vice
13 Chair Nourse, if you have any closing remarks.

14 Hearing none, we'll go ahead and move on
15 to Commissioner Adams. Any closing remarks?

16 Commissioner Gilchrist, do you have any
17 closing remarks?

18 COMMISSIONER GILCHRIST: Madam Chair, yes.
19 Yes. Can you hear me okay?

20 CHAIR GARZA: Yes. Absolutely.

21 COMMISSIONER GILCHRIST: Okay. Well,
22 first, let me just thank the participants that shared
23 their information with us today. Each time we have a
24 conversation about this with the public it is
25 inspiring to me that we're receiving information that

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1 can help to inform our path forward, and so I just
2 want to thank all of those that participated here
3 today.

4 I want to thank my fellow Commissioners
5 for their support on this all-important topic, and I
6 certainly want to thank the staff today for being able
7 to put this remarkable hearing and listening session
8 together. You did a great job with that, and my hope
9 is that this can potentially be an example of some
10 efforts that we could potentially explore as we
11 continue to move forward with other proposals.

12 So, again, thank all of you for your
13 participation today, and I look forward to continuing
14 to help to inform this path forward. So thank you,
15 and Happy holidays to everyone.

16 CHAIR GARZA: Thank you so much,
17 Commissioner Gilchrist. Commissioner Heriot, I want
18 to give you an opportunity as well, if you have any
19 closing remarks or thoughts.

20 COMMISSIONER HERIOT: I don't think I have
21 any closing remarks. I just want to thank our
22 speakers today as well as the staff for putting
23 together this event. And I look forward to working on
24 the report as it shapes up over time.

25 And thank you also, Commissioner

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1 Gilchrist, for all your hard work on this.

2 CHAIR GARZA: All right. Well, thank you
3 very much, Commissioner Heriot. Commissioner
4 Kirsanow, any closing remarks or thoughts?

5 Okay. Hearing none, Commissioner
6 Magpantay, are there any thoughts you would like to
7 share?

8 Okay. Hearing none, I will go ahead and
9 close us out. Again, I do want to say thank you very
10 much to the staff and to our speakers and, you know,
11 to all the Commissioners for working on this. This is
12 really the first time we have piloted this, and I
13 think it speaks to just the interest that we've had in
14 this -- in this topic, this incredibly important topic
15 that impacts our most vulnerable children in this
16 country, and I'm really grateful that we were able to
17 provide the space for this listening session.

18 So, again, thank you to our speakers for
19 coming forward and signing up and providing your
20 comments. And, again, if there are any other comments
21 to -- that you would like to add, or if anyone was
22 unable to provide comments today, you can -- you can
23 submit them via email to the Commission.

24 III. ADJOURN MEETING

25 CHAIR GARZA: So this concludes our

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1 listening session on the federal response to teacher
2 shortage and the impact on students with disabilities.
3 I'm going to go ahead and adjourn us at 1:34 p.m.
4 Eastern Time. Thank you all so much. Happy holidays
5 and have a wonderful day.

6 (Whereupon, the above-entitled matter went
7 off the record at 1:34 p.m.)
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In the matter of: Business Meeting

Before: USCCR

Date: 12-13-24

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