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## Staffing Patterns of Five State Special Education Units

### INTRODUCTION

Due to a variety of internal and external forces, the role of state education agencies (SEAs) and their special education units have evolved and changed significantly over the past few years. As the role of special education has evolved within the education landscape, so too have the special education units to reflect these changes.

Over the past few years a number of state directors of special education have expressed an interest in learning more about how other states have reorganized staffing in their special education units. In response to this, Project Forum conducted a short survey from January through March of 2008 to determine:

- which states have reorganized their special education units;
- if they had not reorganized, were they planning to in the near future; and
- whether they would be willing to be interviewed by Project Forum regarding their experience with reorganization.

Based on these results from this survey Project Forum chose five states that had reorganized or were in the midst of reorganization to interview.

The purpose of this document is to explore the drivers for reorganization, the common experiences shared by states and the challenges and successes experienced. The goal is to inform staff in other special education units as they consider reorganization. This activity was undertaken as part of an agreement between Project Forum at the National Association of State Directors of Special Education (NASDSE) and the U.S. Department of Education Office of Special Education Programs (OSEP).

### METHODOLOGY

Following the short survey of all state directors of special education, Project Forum staff developed an interview protocol aimed at exploring the ways in which states have reorganized their special education units. The protocol was reviewed by a state director of special education<sup>1</sup> and OSEP staff. Project Forum interviewed five state directors of special education or their designees from a mix of large and small geographical states: *Delaware*,

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<sup>1</sup> Please see acknowledgements section of this document.

*Washington DC, Maryland, New Hampshire and New York.* These states were chosen based on their responses to the short survey stating that they have either already restructured or are in the midst of restructuring their special education units. The interviews were analyzed and are discussed in this document.

## FINDINGS

### Current special education unit structure

The states interviewed vary in size and density and their special education units are reflective of that difference. Of the five states interviewed, four had a similar structure: the special education unit is a single unit housed under the larger umbrella of the state education office and is run by the state director of special education. In contrast, the special education unit in *New York* includes both the office of vocational rehabilitation and the office special education services. A deputy commissioner runs both offices with program directors overseeing the operation of the special education unit and the vocational rehabilitation unit.

In the four states that had similar structures, the actual ways in which the units are staffed as well as the functions of the units varied. For example, in *New Hampshire* the unit consists of the state director of special education and six additional staff. The focus of the special education unit is on special education, addressing data requirements and federal compliance. In *Maryland*, on the other hand, the special education unit has a wider variety of functions and programs. The tasks are accomplished through a number of branches within the special education unit under which the issues are housed. These branches range from the infants and toddlers branch under which early intervention is housed to the community and interagency services branch under which Medicaid reimbursement for educational services is housed.

### Changes in special education unit structure

Of the states interviewed, *New York, Maryland and Washington, DC* have undergone the most significant changes in their special education units.

#### *New York*

The *New York* special education unit houses two separate, yet closely associated, programs: the office of vocational rehabilitation and the office of special education services. Prior to the current system, vocational rehabilitation had been a separate program and special education had been housed under elementary, middle and secondary education. The move to join vocational rehabilitation and special education into one unit happened many years ago and was an effort to support individuals with disabilities across the lifespan. After the move to create one special education/vocational rehabilitation unit, the special education unit itself was broken into three major offices: the policy office; the school improvement/technical assistance office; and the office of quality assurance and monitoring.

#### *Maryland*

The special education unit in *Maryland* has experienced a tremendous amount of growth. In 1997, the unit changed its name to Special Education/Early Intervention Services because the *Maryland* Department of Education became the lead agency for the IDEA, Part C Infants and Toddlers Program. This was done in an effort to formally recognize that

special education and early intervention form an interagency effort in *Maryland*. The unit has since that time continued to reorganize to meet the needs of the changing landscape of special education. As the unit began to grow and assume other functions such as foster care rate setting and Medicaid billing, the need to create a new branch to help coordinate the various efforts became apparent and, as a result, the state interagency support branch was created within the Special Education/Early Intervention Services unit. This branch coordinates interagency initiatives within the entire *Maryland* Department of Education.

#### *Washington, DC*

*Washington, DC's* restructure is current and ongoing. *Washington, DC* has undergone significant changes in its special education unit structure in just the past two years. Prior to 2007, *Washington, DC* functioned as both a SEA and a local education agency (LEA). As a result of legislation, the Public Education Reform Amendment Act of 2007, the city abandoned its previous unitary system and created an Office of the State Superintendent of Education (OSSE) and broke out the LEAs, which consist of the District of Columbia Public Schools (DCPS) as the largest LEA and each independent charter school acting as a separate LEA.<sup>2</sup> According to the acting state director at the time of the interview, OSSE is still undergoing significant reorganization; however the office of special education is housed under the OSSE.

#### *New Hampshire and Delaware*

*New Hampshire and Delaware*, while also having experienced changes in structure, experienced less dramatic ones. In *New Hampshire*, the most significant change was the addition of a staff member who now assists in data collection. *Delaware* noted that the changes experienced in their special education unit were not necessarily formal in nature, but more a result of more inter-workgroup exchanges happening over time.

#### *Staffing and Resources*

The interviewed states mentioned financial and staffing implications of the special education unit structure. For example, *Delaware* explained that although it kept its traditional staffing structure within the unit and spent the same amount of money on staffing, the staff work differently across the department together. *New York* also did not report a large impact on the number of staff, but more of an impact on how the unit collaborates across the department.

During restructuring, the *Maryland* finance division was attached directly to the Special Education/Infants and Toddlers unit. This change dramatically increased the budget for the unit to include monies from Medicaid and nonpublic schools. Also during restructuring, the state funding formula was changed by the legislature increasing special education funding to local school systems fourfold. Staffing was also affected by the restructure. *Maryland* moved from a regional technical assistance staffing model to a state model. Staffing at the state level increased substantially and technical assistance changed from having staff travel to provide services to more web-based technical assistance and training and monthly calls with the local school systems.

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<sup>2</sup> Many details of *Washington, DC's* entire education system structure are still under development. At the time of publishing of this document, some charter schools were still being allowed to be part of DCPS for special education purposes.

*Washington, DC*, while in the midst of its restructuring believes that staffing changes will continue to occur as the organization aligns resources to most effectively meet its goals and that it will take time to be able to analyze whether funding increases, decreases or stays relatively stable over the long term.

### Triggers for Change

All of the states interviewed identified specific triggers for restructuring and several common themes arose. The most frequent triggers noted were the 1997 and 2004 reauthorizations of the Individuals with Disabilities Education Act (IDEA), and the 2001 reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB). The specific trigger points identified by states within these reauthorizations were the new monitoring and reporting required for state performance plans (SPPs), the annual performance reports (APRs) as mandated by IDEA 2004 and the mandate that schools and districts make Adequate Yearly Progress (AYP) under NCLB.

For example, *Maryland* explained that, "It was the '97 [IDEA reauthorization], it was NCLB, the state legislation sprinkled in and then the 2004 [reauthorization]." *Delaware* commented on the pressures of NCLB by responding, "With schools in improvement and with issues [they have] the issues can't just be addressed by a workgroup called 'school improvement.' It's got to be the work of the whole department of education and our Secretary says that repeatedly." *New York* also mentioned the SPP, but a state-specific trigger added emphasis to their changes. During the same timeframe as the IDEA 2004 reauthorization, the State Board of Regents instituted a P-16 plan (i.e., a plan that crosses preschool through college) for education within the state. The interviewee noted that it was both this plan and the SPP that drove changes in structure and staff roles and responsibilities.

Interestingly, there was one strong exception to the themes of the mandates of IDEA and NCLB as causes of reorganization. In *Washington, DC*, the trigger for restructuring and changes in staffing arose from the enactment of local legislation, The Public Education Reform Act of 2007, which was adopted in response to its designation as a "high risk grantee" by the U.S. Department of Education and the local administration's focus on comprehensive education reform. The state director at the time of the interview noted that the state also experienced pressure from the mandates of IDEA and NCLB, but that it was mainly the "high risk" designation and subsequent legislation that was the impetus for change.

### Corollary Changes

#### *Collaboration*

States noted that a common result of structural change was increased collaboration across units within the department of education. For example, *New York* described its collaboration between the three offices within its special education unit in the following statement, "It's extremely collaborative. Everything we do is data driven and we collaborate constantly with our data office. Our work is informed by our policy people, so you can see it's all linked." *Washington, DC* also noted increased collaboration resulting from its updated structure of one SEA and numerous LEAs. I think that there has been a huge increase in collaboration because one of the things this has allowed us to do is really focus on state functions. And so in doing that we've pulled in all our partnerships for the development of

that state office [and] what it's going to look like, in the development of the special education data system, and we've been working together with DCPS and the charter schools."

#### *Cross-cutting initiatives*

Another theme related to increased collaboration was the implementation of cross-unit initiatives—response to intervention (RTI) and Positive Behavior Supports (PBS)—with a major focus on reintegrating general and special education. For example, *Delaware* stated with regard to PBS, "It started with special education support, but in our state I don't think that people think of it as a special education initiative anymore. I think that we have been able to use our state set aside funds in a way that benefits kids with disabilities, but still will have a big ripple effect." *Maryland* noted, "That's really one of the shared visions [between general and special education], student accountability and RTI."

### CONCLUSION

Of the states interviewed, size and the requirements of IDEA appeared to be the most important factors in determining the structure and function of the special education unit.

The two largest states interviewed, *Maryland* and *New York*, had the most significant changes specific to their special education unit within their larger departments of education. Both states' changes encompassed collaboration with other departmental units and agencies. *New York's* reorganization focused on developing a seamless system to support individuals with disabilities across the lifespan. *Maryland's* reorganization focused on creating formal connections between previously separate groups whose work was entwined with the work of special education. The three small states, *Delaware*, *New Hampshire* and *Washington, DC*, reorganized for three different reasons: collaboration across units to focus on common needs; addition of data support capacity; and because of specific legislative and local administrative mandates. All five of the interviewed states addressed their needs in different ways.

Since states are similar in some ways and unique in many, there are likely unlimited reasons to reorganize and unlimited methods to reorganize in response to meet new needs. The examples given demonstrate variety across the states in size, density and unique structure.

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