



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

Myth vs. Fact: IDEA Personnel Qualifications

Myth: *The Federal government forces states to accept high qualifications.*

Fact: IDEA '04, and past versions of the law, allow states to determine their own professional qualifications

Myth: *IDEA '97 “highest qualified provider” provisions “locks in” the professional qualifications and “certified/sanctioned university programs” of certain professional organizations.*

Fact: In 46 states, the “State-approved or State-recognized requirement” for speech-language pathologists is the Master’s degree as indicated in a state law passed by the state legislature. In the four states that do not license speech-language pathologists (CO, ID, MI, and SD) the state education agency (SEA) requires a Master’s degree.

In fact, the personnel requirements in current federal law are fully in accordance with the belief that states should have the right to establish their own personnel qualifications. States need to use the highest requirement in the state for entry into the profession or discipline that has been passed by the state legislature (licensure laws). These qualifications should not discriminate against children with disabilities who are in need of special education. Discrimination occurs when individuals who are not qualified according to state law are allowed to provide services in the school just because the children served happen to be enrolled in a local education agency.

Myth: *High personnel qualifications have negatively affected the availability of special education and related services candidates.*

Fact: There is no factual evidence that demonstrates that high personnel qualifications is the primary or even a major factor in determining the availability of qualified special education and related services candidates in any given geographic area. Factors such as pay, working conditions, paperwork, workload, and other non-school based employment options contribute to qualified candidates choosing not to work in the schools. In fact, states and localities have the flexibility under IDEA '04 to, “allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy...to be used to assist in the provision of special education and related services”.

Medicaid regulations allow the use of lower qualified individuals as long as they are “under the direction of” of a fully qualified provider.

School districts who would utilize a bachelors standard for speech-language pathologists would lose millions of dollars in federal Medicaid funds, placing a greater burden on the IDEA program. Implementation of IDEA’04 (P.L.108-446) and its revised personnel qualifications provisions may result in further confusion by local school districts as they try to comply with other federal mandates for ‘highly qualified teachers’ in No Child Left Behind, ‘highly qualified special education teachers’ in IDEA’04, and other requirements found in Medicaid. One result may be a sharp increase in the number of Medicaid fraud and abuse cases filed against states for failure to ensure that school-based services were provided by a qualified provider.

***Myth:** High personnel qualifications have caused a proliferation of ‘specialties within specialties’.*

Fact: Since the enactment of IDEA 29 years ago, the number of disabled children and the complexities of their disabilities have driven the demand for qualified personnel with specialized training to give appropriate services to the child as mandated in the law.

***Myth:** Inner city and isolated rural schools cannot compete to attract high quality candidates.*

Fact: Dozens of states have been found to have unconstitutional education funding laws. Many of these cases are still pending. In addition, the federal share of providing special education services has never exceeded 20% of the average per pupil expenditure though the law authorizes a 40% federal contribution. IDEA’04 does not guarantee that the federal government will fully fund its share of the costs of educating children with disabilities. This federal shortfall only compounds the failure of states to provide adequate and equitable resources to local school districts.

***Myth:** Inner city and isolated rural schools can not provide competitive salaries.*

Fact: Opponents of high personnel qualifications often confuse resources and funding issues with providing quality educational services in the schools. Federal support of local education is less than 10% of total national education expenditures with local and state resources making up the remaining 90%. Intra-state funding inequities of education exacerbate the demand for federal funding for high need populations like special education and low-income.

In Missouri, for example, an audit of education spending patterns found that funding disparities have grown over the past ten years despite the state being under a court order to fix those disparities. The audit found that for the 2002-2003 school year, the state’s richest school district spent \$13,748 per student, while the poorest spent \$4,561, for a difference of \$9,187.

Federal legislation shouldn't discriminate against children with disabilities, especially poor urban and rural children. Traditionally, federal law has been used to fill gaps in services. Lowering personnel qualifications does not guarantee that there will be an adequate supply of service providers. Lowering personnel qualifications does not guarantee that rural and urban schools will be able to find qualified personnel but does guarantee that those students will receive lower quality services than their suburban counterparts.

***Myth:** By lowering the qualifications, you ensure that there are enough candidates to fill open positions.*

Fact: Opponents of high personnel qualifications have not provided any evidence that there is an adequate pool of lower-qualified individuals to fill current personnel needs. There is no evidence that there are enough academic/training programs that grant AA degrees (two-years) or BA degrees (four-years) to meet demand.

***Myth:** By lowering the personnel qualifications and limiting parents' right to sue you will reduce the amount of litigation involving parents and school districts.*

Fact: There is no data or evidence demonstrating that litigation will be reduced by allowing under-qualified or unqualified personnel to deliver services in the schools under the guise of being "highly qualified". In fact, IDEA'04 attempts to limit litigation by restricting parents' rights to sue their school district for failure to provide a qualified provider providing special education or related services to their child with a disability.

However, if parents feel that their children are not receiving services from qualified providers there are numerous other avenues in IDEA'04 to pursue litigation against the school district.

***Myth:** By lowering the personnel qualifications you will save money in personnel costs.*

Fact: While human resources for any organization is typically the greatest budgetary expense, there is no evidence that a school system will save money with the employment of lower qualified individuals, especially for the delivery of special education and related services.

When special education services are provided by a person who does not meet professional, discipline, or state qualifications the students receiving these services are more likely to remain on the special education rolls longer, have lower academic achievement and may require additional services to compensate for the lack of experience of the service provider. For example, for a child who has speech as their primary disability and has been identified for special education services, if a district decides to provide speech services with an individual with a BA in speech instead of a person with MS in speech-language pathology the student may need additional services from other providers for literacy and reading skills that the BA level provider can't provide, but a MS level provider could.

***Myth:** By lowering personnel qualifications, improved services will be provided to children with disabilities.*

Fact: The No Child Left Behind Act requires schools district to include children with disabilities in their annual assessments (testing programs) and to provide disaggregated data on their performance. Schools can be penalized if students with disabilities, as a category, fail to make adequate yearly progress on their assessments. Lowering personnel qualifications are not likely to yield improvements on annual assessments by students with disabilities.

***Myth:** Inner city and isolated rural children with disabilities deserve an education from underqualified or unqualified personnel while their suburban counterparts deserve an education from qualified personnel.*

Fact: The same factors that make the recruitment of qualified school administrators, principles, and teachers difficult (salaries, benefits, working conditions, living expenses, affluence of the community, crime, social/cultural opportunities) makes it difficult to recruit qualified related services personnel. Federal law that provides student loan forgiveness for certain teachers teaching in public schools with high poverty rates excludes related services providers, including school-based speech-language pathologists, from receiving this benefit.