



President's Status Report
On the Actions
of the
New Business Items
from the
May 2022
House of Delegates

A handwritten signature in black ink, appearing to read "R. W. Askey", with a stylized flourish at the end.

Richard W. Askey
PSEA President

NEW BUSINESS ITEMS
PENNSYLVANIA STATE EDUCATION ASSOCIATION
HOUSE OF DELEGATES
May 13-14, 2022
Philadelphia and Virtual

NEW BUSINESS ITEM 1 -- Passed

PSEA endorse Jason M. Davis as a PSEA Active Certified Member nominee for the Pennsylvania Public School Employees' Retirement System Board to fill a three-year term covering January 1, 2023, through December 31, 2025.

Update: A work plan was in place to elect Jason M. Davis to the PSERS Board for a three-year term covering January 1, 2023 through December 31, 2025. Nominating petitions were submitted to PSERS in September with the required number of signatures. Davis was the only candidate to file for the position, so PSERS will not have to conduct an election. Davis will begin his three-year term in January 2023.

NEW BUSINESS ITEM 2 -- Passed

PSEA endorse Susan C. Lemmo as a PSEA Annuitant Group nominee for the Pennsylvania Public School Employees' Retirement System Board to fill a three-year term covering January 1, 2023, through December 31, 2025.

Update: A work plan was in place to elect Susan C. Lemmo to the PSERS Board for a three-year term covering January 1, 2023 through December 31, 2025. Nominating petitions were submitted to PSERS in September with the required number of signatures.

NEW BUSINESS ITEM 3 – Passed as amended

PSEA advocate for, and work with institutions of higher education to create, part-time online programs in high-need educational specialist certification areas, including but not limited to speech language pathologists, school psychologists, and behavioral specialists.

Update: PSEA staff reached out to our faculty liaisons at teacher preparation institutions across the Commonwealth to determine institutional willingness to consider creating part-time online programs in high-need educational specialist certification areas. PSEA staff encouraged that these liaisons begin discussions about ways to meet certification needs in non-traditional ways. Many PASSHE institutions are currently focused on university consolidation; PSEA staff encouraged faculty liaisons to suggest non-traditional certification programs as they redesign programs during consolidation.

In addition, PSEA staff work with the Pennsylvania Department of Education (PDE) on the Attract, Prepare, Retain (APR) initiative, where there is consideration of Bloomboard programming and grow-your-own initiatives, such as those being developed at East Stroudsburg. Also on the APR team, PSEA staff have encouraged discussions of stipends during required internship experiences for education specialists. PSEA staff have done outreach to every university that has a Student PSEA program, talking to all faculty advisors about program development. While many PASSHE faculty advisors are focused on university consolidation and do not have bandwidth to focus on the question, PSEA has communicated the need for flexible programming.

Education Services has invited PDE's chief talent officer to participate in PSEA's December Professional Issues session about educator shortages. This is an opportunity for PSEA members to communicate ideas and concerns directly to PDE.

NEW BUSINESS ITEM 4 – Passed as amended

PSEA allow delegates to submit New Business Items through a virtual New Business Office that is open at least once, for at least two hours, no less than 72 hours prior to the House of Delegates, as well as providing opportunities for delegates attending the House of Delegates in person to submit New Business Items at a physical New Business Item Office for at least two hours on the day immediately prior to the business session where New Business Items will be debated.

Update: On September 10, the PSEA Board of Directors approved Interim Rules of Procedure for the December 2022 House of Delegates. The Rules provide for both virtual and in-person opportunities for submission of New Business Items (NBIs) to the December 2022 House, consistent with the timelines required by NBI 4. A virtual NBI Office will be held on Monday, November 28, from 5:00 p.m. to 8:00 p.m. and Friday, December 2, from 10:00 a.m. to 4:30 p.m. An NBI Office will also be open on-site for in-person submissions from 10:00 a.m. to 4:30 p.m. on Friday, December 2, 2022.

NEW BUSINESS ITEM 6 -- Passed

PSEA encourage schools to provide opportunities for eligible students to register to vote.

Update: PSEA leaders and staff used multiple means of encouraging eligible students to register and vote.

NEW BUSINESS ITEM 7 – Passed as amended

PSEA renew the New Member Task Force established by action of the May 2017 House of Delegates. The Task Force shall regularly report to the president and Board of Directors. The Task Force will sunset three years from the date this motion is passed, unless extended by the PSEA Board of Directors; provided however, the Task Force will not exceed five years of existence unless renewed by the PSEA House of Delegates.

Update: The newly engaged Task Force had their first meeting in October. The Task Force reviewed the thorough work done by the previous Task force and began to establish the next steps to move their work forward. The next meeting is scheduled for February 2023.

NEW BUSINESS ITEM 8 – Passed

PSEA recognize and honor the PSEA staff persons who have provided notice of retirement to PSEA by May 1, 2022.

Robert E. Crook; Health & Welfare Marketing Coordinator, Health & Welfare Fund, HQ; 5 years of service

Eric G. Elliott; Director of Research for School Funding & Finance, Research, HQ; 26 years of service

Douglas E. Goff, Jr; Production Aide, Printing & Distribution, HQ; 24 years of service

Paul E. Gottlieb; UniServ Representative, Mideastern Region, Montgomeryville; 25 years of service

Joseph H. Howlett; Asst Executive Director for Administrative Services, Admin Svcs., HQ; 14 ³/₄ years of service

Wendy D. Lipinski; Administrative Assistant, Northwestern Region, Edinboro; 29 years of service

Joanne M. Maurer; Staff Associate, Eastern Region, Allentown; 13 years of service

Valerie L. Shuman; UniServ Representative, Southwestern Region, Hunker; 25 years of service

Deborah Vetro; Staff Associate, Southeastern Region, West Chester; 14 years of service

Update: PSEA has expressed appreciation to these retirees for their dedicated service.

NEW BUSINESS ITEM 9 – Passed as amended

Utilizing databases from NEA and pro-public-education organizations as appropriate, such as PA Spotlight, PSEA will publicize anti-public education organizations and networks and create training modules to assist locals and members in countering anti-public education initiatives.

Update: The Executive Director of PA Spotlight presented to members and staff across Pennsylvania at region and local meetings, including a presentation to more than 100 members at the Summer Leadership Conference and a presentation offered to all PSEA staff. The PA Spotlight presentation included information about the anti-union threats from organizations and individuals that are impacting Pennsylvania schools, school boards, and communities. Like other similar presentations on union threats, this information is available through PSEA field staff.

In addition, PSEA will maintain and expand upon existing relationships with allied organizations to monitor, track and closely follow the work of groups that seek to undermine public education and the role of unions in supporting public school employees. PSEA will also continue to shed light on these efforts through aggressive donor tracking and awareness among PSEA's membership.

NEW BUSINESS ITEM 10 – Referred to Legislative Committee

PSEA oppose any initiative that would undermine the integrity of elections or give one person or entity the right to overturn certified election results and support any and all initiatives expanding and maintaining valid, legal, and secure methods of voting.

Update: PSEA monitors legislation, alert to any initiative that would undermine the integrity of elections or expand secure voting. At its December meeting, the Legislative Committee will receive an update on the security of the 2022 election, and how election integrity legislation could emerge in the 2023-2024 legislative session. They will discuss how PSEA could strategically support valid, legal, and secure methods of voting. The Committee will provide a report to the PSEA Board of Directors with any recommendations that are an outcome of that discussion.

NEW BUSINESS ITEM 11 -- Passed

PSEA, using existing resources, explore possible solutions to the ESP substitute shortage and publicize the need for substitutes for all ESP classifications, including but not limited to paraprofessionals, transportation services, secretarial and clerical, health services, information technology, food services, maintenance, and custodial services.

Update: PSEA Communications has run ads related to the ESP substitute shortage in two editions of Voice and included mentions in Keeping Connected. These ads and mentions will continue. Staff are working to build a new, unique webpage on psea.org related to the ESP substitute shortage to serve as a call to action for public-facing digital ads and member-targeted Facebook ads on this subject that will run prior to December 2022. In addition, PSEA UniServ staff are working with locals and employers to find creative ways to deal with the shortage.

The PSEA Substitute Task Force has also discussed the challenges posed by this shortage.

DATE: October 17, 2022

TO: PSEA Special Education Board
PSEA Department of Pupil Services

FROM: Lynne Wilson
General Counsel

Carla Claycomb
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Lynda Meinke
Staff Attorney

RE: NBI 4 (DECEMBER 2021) – REVIEW OF SISP DEFINITION

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Introduction

At the December 2021 House of Delegates, the House approved NBI 4 which provides that:

PSEA will review the definition of Specialized Instructional Support Personnel in Every Student Succeeds Act of 2015. A report of the review will be provided to the Department of Pupil Personnel Services, the Special Education Board, and the Board of Directors for consideration of potential future recommendations.

As we understand it, the intent behind this NBI is that the Department of Pupil Services (DPS), the Special Education Board (Special Ed. Board), and the PSEA Board of Directors (PSEA Board) consider and recommend whether PSEA's non-governance structure should categorize PSEA members according to the definition of Specialized Instructional Support Personnel (SISP) in the Every Student Succeeds Act (ESSA).

This memo sets forth the current structure of PSEA's DPS and Special Ed. Board. It also explains the state certification requirements and school administrative reporting structure required by the Pennsylvania Department of Education (PDE). In this regard, PSEA's non-governance structure aligns with certification requirements and the organizational structure used by school districts.

Composition and Function of DPS

DPS is authorized by the PSEA Bylaws, under Article XI, section D (relating to departments).

According to Article III of the DPS constitution, active membership in DPS extends to those PSEA members who are properly certificated and currently employed as school counselors, school nurses, home and school visitors, school social workers, school dental hygienists, or

school psychologists. Article III, Section 2 (Duties), of the DPS Constitution allows the DPS Executive Board to make a recommendation for additions to DPS membership. Any additions would need to be ratified by a two-thirds vote of DPS's membership at the annual meeting and approved by the PSEA Board.

The PSEA VIP book provides that DPS cooperates with and supports PSEA in its efforts to accomplish its purposes, encourages professional growth, advances public education, and promotes cooperation with other groups in education and the community for the best services to youth (see VIP book 2021-2022).

Composition and Function of Special Ed. Board

The Special Ed. Board exists as a standing committee established in 1981 by the PSEA Board pursuant to Article XI, Section B of the PSEA Bylaws (related to appointive committees).

The Spec. Ed. Board has one representative per region, appointed by the region president. The Special Ed. Board also includes representatives from the Department of Administrative Services, DPS, ESP, PSEA-Retired, and a minority representative.

As a standing committee, the Spec. Ed. Board does not have a constitution and bylaws and does not have membership beyond the appointed committee members. Any change to the functions or representation provided by the Spec. Ed. Board would be accomplished by action of the PSEA Board of Directors.

The PSEA VIP book explains that the Special Ed. Board communicates with, and seeks appropriate feedback from, PSEA's membership and serves in an advisory capacity to PSEA leadership (see VIP book 2021-2022).

Special Education and Pupil Services in the Commonwealth

Under the School Code, teachers and other professional personnel may not perform professional duties or services in public schools in Pennsylvania in any area for which they have not been properly certified or permitted. See 24 P.S. §12-1202 and 22 Pa. Code §49.11. PDE's Certificate Staffing and Policy Guidelines (CSPGs) set forth the scope of each certificate.

PDE distinguishes between the areas of pupil services and special education. As to pupil services, *educational specialist certificates* include the following:

- Dental hygienist (CSPG 75)
- School counselor (CSPG 76)
- Home and school visitor (CSPG 77)
- School nurse (CSPG 80)
- School psychologist (CSPG 81)
- School social worker (CSPG 87).
- Speech and language pathologist (CSPG 86)

All of the above positions can serve both regular and special education students. With respect to a speech and language pathologist, PDE specifically notes that such a person cannot serve as a “teacher of record” for a speech and language impaired classroom. This requires a special education instructional certificate. See CSPG 63.

Special education instructional certificates include:

- Special Education (CSPG 61)
- Hearing Impaired (CSPG 62)
- Visually Impaired (CSPG 60)
- Special Education – Speech and Language Impaired (CSPG 63).

In terms of reporting structure, pupil services personnel are to be supervised by a Supervisor of Pupil Services or other supervisory administrators. See CSPG 89. PDE guidance provides that a Supervisor of Pupil Personnel Services cannot supervise the special education program unless the person also holds a Supervisor of Special Education Certificate. See CSPG 89.

Educators who exclusively provide services through a special education program must be supervised by a Special Education Supervisor or a school principal. See CSPG 91. These educators typically work within a special education department in their school districts. Members of a special education department include special education teachers, those holding other special education instructional certificates (see list above), licensed mobility specialists, occupational therapists, and physical therapists who provide services to students as defined by an IEP or section 504 plan. Our understanding is that most Speech and Language Pathologists (SLPs) even though they hold an educational specialist certification, nevertheless, primarily provide special education services and report to the Special Education Supervisor.¹

ESSA definition of SISP

ESSA’s definition of “Specialized Instructional Support Personnel” encompasses non-classroom professionals who provide support and related services to meet students’ needs. SISP includes:

- (i) school counselors, school social workers, and school psychologists; and
- (ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related

¹ SLP’s are able to possess a certificate of clinical competence, bill through ACCESS for health-related services, and work in the medical field as well as the school setting. Due to shortages in SLPs several years ago, PDE added the Special Education-Speech and Language Impaired certificate for the school setting. Those individuals are not eligible to bill for ACCESS as they cannot possess clinical competence certificates and cannot work in a health professions capacity.

services as that term is defined in [Section 1401](#) of this title)² as part of a comprehensive program to meet student needs. (Emphasis added.)
20 U.S.C.A. § 7801(47)(A).

ESSA’s definition of SISP does not appear to include special education teachers or other holders of special education instructional certificates.³

ESSA seeks to ensure that SISP are involved in making sure that students receive the services they need. ESSA requires that state and local school districts to consult with SISP on various matters, including the development of Title I plans for the state and district.

NEA provides the following background on the use of “SISP”:

Congress adopted the term with the passage of ESSA, the reauthorized version of the Elementary and Secondary Education Act (ESEA). “Specialized instructional support personnel” replaced “pupil services personnel.” The term was adopted a number of years ago by the National Alliance of Pupil Services Organizations, renamed as the National Alliance of Specialized Instructional Support Personnel (NASISP).

By finding one term that aptly describes student and related services, advocates are calling for these services to be available to students who need these supports. The term was selected to indicate personnel who have specialized training to support the instructional process, resulting in academic and social/emotional success for students. With this acknowledgment by Congress, educators and other advocates can meet with congressional staff to discuss issues and concerns related to SISP.

See [Specialized Instructional Support Personnel | NEA](#)

SISP is not a universally used term. The IDEA does not use that term, although the IDEA’s definition of “related services” tracks the ESSA’s definition. [See](#) 34 C.F.R. § 300.34.

² [See](#) 20 U.S.C.A. § 1401 (26) which defines “related services” as follows:

(A) In general

The term “related services” means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

³ The National Alliance of Specialized Instructional Support Personnel (NASISP) website describes SISP as **“including school counselors, school nurses, psychologists, school psychologists, social workers, school social workers; occupational therapists, physical therapists, art therapists, dance/movement therapists, music therapists; speech-language pathologists and audiologists.”** The website says that NASISP members **“work with teachers, students, parents, and administrators to collaborate for student success.”** It is possible that there are special education teachers who, although certified to provide instruction, are not teachers of record and could be presumed to provide the support services described in the SISP definition.

Furthermore, the term “SISP” does not necessarily reflect the staffing structure imposed by a state or local education program or the structure by which members participate in their labor organization.

Finally, the SISP definition of “other qualified personnel” does not appear to include special education teachers or other holders of special education instructional certificates. If those persons are considered to meet the SISP definition of “other qualified personnel,” then a wide swath of PSEA membership will meet that definition.

PSEA Structure

PSEA’s structure mimics the reporting structure in school districts. PSEA members who work under the supervision of a Pupil Services Supervisor are represented by DPS. PSEA members who work under the supervision of a Special Education Supervisor are represented by the Special Ed. Board.

With two exceptions, PSEA’s structure follows the SISP definition. First, DPS membership does not include SLPs, who are represented by the Special Ed. Board. Second, professionals with instructional certificates such as school librarians, who may provide related services, are not represented by either DPS or the Special Ed. Board.

Both exceptions appear to make sense. While SLPs could provide both regular education and special education, our understanding is that most are working exclusively to meet the needs of children with IEPs or 504 plans and are treated as part of a school district’s special education program. In a perfect world, SLPs would provide services to regular education students for a finite time to evaluate whether short-term interventions in regular education can address deficits but serving students with speech and language interventions in the regular education environment is rare, if it exists at all. We understand that most SLPs have heavy caseloads and usually see only those students who have already been identified as students with disabilities. We believe that in almost every school district, speech is regarded as a special education service with the SLP reporting to the Special Education Director.

Given that PSEA’s structure reflects the current school structure, we are not making any recommendations for changes to the constituencies represented by the Special Ed. Board or DPS.

This memo and analysis was shared with shared with the Special Ed. Board at its June 3-4, 2022 meeting and with DPS at its September 17, 2022 meeting. After discussion, both groups approved motions directing that PSEA retain its current structure.

Conclusion

Absent any direction to the contrary by the PSEA Board of Directors, an update as outlined in this memo, along with a recommendation that no further action is needed, will be provided to the December 2022 House of Delegates.



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