

Good morning House Education Committee,

I am Sherry Sousa, Superintendent of Windsor Central Supervisory Union. Our five elementary and one middle/high schools serve the students of Barnard, Bridgewater, Killington, Plymouth, Pittsfield, Pomfret, Reading and other neighboring communities. The total student population including Pre K students through grade 12 is just over 1000 students.

Positioned in Central Vermont, our communities are served by three different Designated Agencies; Health Care and Rehabilitative Services of Hartford, Health Care and Rehabilitative Services of Springfield and Rutland Mental Health. As these DAs support three of the larger urban areas of Vermont, there are few resources left for our seven communities. Because we often lacked opportunities for our students, the district created its own group to coordinate services called the CARE team. This group includes school counselors, nurses, administrators and community based services. By networking with those closest to the need, we finally found some success in bringing services to our families' doors.

We too have forged our own path to meet mental health and behavioral needs. For the last 15 years, we have had our own therapeutic day program where students transition from their home school to an off campus site. Students work with a licensed special educator trained in mental health interventions, private counselors, and a para educator. This program serves from 15 to 20 students annually and has allowed us to educate and support students in their communities. Most of the special education team and many of the school counselors have received specialized training in Collaborative Problem Solving, Functional Behavioral Assessments and Crisis Prevention. At two of our campuses, we offer small intensive programs designed specifically for students on the Autism spectrum or intellectual disabilities who present significantly challenging behaviors.

Even with this level of training and programming, not all students' needs can be met within our schools. In the past, we were able to partner with our DAs to provide access to short and longer term therapeutic services. We worked together to identify the student and families assets, unmet needs and future goals. In those situations, our schools met their responsibility for financing educational costs and the DA provided the resources for housing and daily living. Together, we participated in team meetings and planned for the student's return to our community. Each of us fulfilled our obligations in meeting the educational, therapeutic and health needs of our children.

That is no longer the case. Even before the pandemic, collaborative meetings became oppositional as DAs maneuvered to ensure that they had no responsibility for student programming. Whether it was a procedural misstep, a noncompliant family or a technical omission, it became apparent that DA staff were coached to not agree to any placement outside of the school district. Time after time, meeting after meeting, we heard that "wrap around services" in the home and community must be tried prior to placement. What needs to be heard today is that there was **never** the personnel or the program for the children and their families to access. Students who had open cases with DAs for years were now needing to start all over again in order to demonstrate the appropriate level of failure with community services.

Under the IDEA, school districts must offer students a continuum of educational services, including residential services, when necessary to provide FAPE. We have no choice but to step in and meet the student's needs. When the DA refuses to sign off on a Coordinated Services Plan, or to support interagency consideration of residential placement, the school district notifies the AOE's residential review team and proceeds with placing the student.

Under the IDEA, to receive federal funds, states must make assurances to the feds that they have adopted an Interagency Agreement for the shared funding of out-of-district residential placements. Vermont has an Interagency Agreement (IA) with the Agency of Human Services that was last revised in 2005. In accordance with federal law, the IA must provide for cost sharing of the non-educational supports needed by students and resolve funding disputes between agencies.

Despite procedures for resolving funding disputes, Vermont's State Interagency Team (SIT) recently advised us that because the DA did not support placing a student out of district, ostensibly because home and community based services had not been tried and failed, (and because the parent had not appealed the DA decision), no other agency was responsible for sharing in the cost of placing the student residentially.

Parents whose children are in crisis should not be required to fail before medically-necessary services are authorized; they should not be required to appeal a denial for their child to receive the services they so desperately need.

School districts do not make the decision to place a student residentially lightly (and then fund that placement). Our first choice, always, is to educate children in the least restrictive environment - their home school and community. When confronted with these situations, I, as the Superintendent, do what the law requires. We place the student and pay the bill. We do not put the parent in the middle. This lets the other responsible agencies off the hook, especially when the state Medicaid funded agencies, the Department of Mental Health, and the Department of Aging and Independent Living, do not fulfill their legal obligations to these children, children who have an entitlement to medically necessary mental and physical health services.

The Act 264 process, and the Interagency Agreement, because of a lack of intensive wrap around services available to meet the developmental and mental health needs of our state's children, is failing. It is unconscionable to expect the educational system to step in and meet student's needs without support and cost sharing from the other agencies responsible for serving children and their families.

Federal law requires educational agencies to place students and seek reimbursement later. We have done this, and the Agency of Human Services denied our request for reimbursement of the non-educational costs - without a hearing, and without notice of the procedures, if any, for appealing the decision. We are not the only school district in our region that has faced similar circumstances - who have had to solely fund the residential placements of children with significant behavioral challenges - who cannot be educated or treated within their homes and communities. This system is failing and must be fixed.

One solution I can offer: permit school districts, or other members of a local interagency team to appeal a denial on the part of the designated agency to the Case Review Committee, and build in time frames, so that children and families do not suffer while agencies take a wait and see approach, or delay in the provision of services due to staffing shortages. This burden should not fall on parents.

Another solution is to require the AOE and the AHS to revise the Interagency Agreement to ensure that there is indeed cost sharing of residential placements between responsible agencies as required by the IDEA.

Thank you for your consideration.