

Vermont Council of Special Education Administrators
Testimony regarding: S.91 An act relating to privatization of public schools
4/8/2014

VCSEA's testimony on S.91, as passed by the Senate, arises from the extensive discussions that took place throughout 2013 about S.91 as originally proposed in the Senate Education Committee. As a result of this process some distinctions between the expectations of independent schools and public school were highlighted. Of particular note to VCSEA was in the area of services to and oversight of programs for students with disabilities.

1. Public schools are the mechanism for delivery of the constitutional right to education. These constitutional rights exist for all individuals with protected class designation.
2. Public schools in Vermont are a strong part of the foundation of our democracy. To close a public school and re-open it as independent schools pulls away community involvement and voice, which is not in the best interest of our state, our communities, our schools or our students and their families.
3. Independent schools in Vermont are not required to meet federal or state regulations and guidelines with respect to FRM (Free and Reduced Meals), Special Education, EST (Educational Support Team) services or other supports and preventative measures contained within Vermont's educational law and practice.
4. Existing independent schools in Vermont receive substantial public tuition support. Receipt of these funds is not currently accompanied by the requirements that all students in the community are served regardless of disability status. Public tuition support to an increasing number of schools who have turned from public to independent school status threatens the access of students with disabilities.
5. Independent schools in Vermont are not required to provide equitable access to students and thus should not replace the public school system. To do so would limit equitable students' access.
6. We have a responsibility to all our children; options and needed intervention must be available to all children within their community. It is impossible to predict when students will need intervention. Our obligation to all students exists whenever we provide education with public dollars. If students are publicly funded and do not have access to needed services we are not meeting a foundational standard of care and protection.
7. An area of significant challenge in providing special education within independent schools includes the reality that the LEA (Local Education Agency) is legally responsible but does not have authority regarding instructional supervision, staff selection, training, oversight and evaluation.
8. VCSEA supports the proposed moratorium on additional public schools being turned into independent schools as a reasonable interim measure. Further research and input both legal and programmatic are necessary to assure for the protection and access to a free, appropriate public education for all students.

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