

# Vermont Council of Special Education Administrators, Jo-Anne Unruh, Executive Director

## S. 175 Testimony

2/26/14

### **Points of agreement regarding educational consistency:**

1. We agree that continuity of educational experiences for children is beneficial. That is particularly true when other areas of their lives are less than predictable.
2. The MOU for students in DCF custody, and the McKinney Vento legislation for children who are homeless have substantially helped many children maintain educational continuity in the face of current residency laws.
3. Circumstances exist for students beyond those in DCF custody or those who are homeless where access to educational continuity would be beneficial to remain in their current schools.

### **Residency and its importance in Vermont:**

1. Vermont has based school assignment, taxation, and LEA determination on the definition of residency.
2. Residency plays a significant role in a multitude of other areas of legal rights and responsibilities, hence the strict application of the definitions historically.
3. Transiency rates vary across the state; knowledge of this range would help determine the scale of impact of the passage of this bill.
4. Special Education and its complexities are based in residency in many ways. Changing the definition deserves careful consideration of its implications on finances and service delivery.

Given these points it seems important to obtain more information regarding the range and extent of this problem within Vermont, and on how districts and regions generally address this issue currently. When adverse effect on student progress is predictable because of a move informal regional agreements addressing this issue have been operative within the state. Information as to how well these agreements are working would help answer the question as to whether the concern that S. 175 addresses is of such scope and significance that changes to Vermont's residency laws are required. Changes to the definition of residency in school assignment may have significant unintended consequences.

### **Potential unintended consequences:**

1. Parents may use this statute to access a particular school and then move without necessarily having any commitment to the community into which they have moved.
2. How would the development of friendships and other social and recreational connections vital to a student's sense of belonging be best addressed when the school the child attends in not the community in which the child lives?
3. Parental responsibility for transportation in S.175 is an important component because of the cost of providing transportation. However, requiring parents to be the source of transportation to access the school of origin may well limit the ability of children living in poverty to access the continuity S.175 is attempting to build, and therefore creates an unintended inequity in access.
4. Students who are eligible for special education may end up having the related service of transportation required through their IEPs even though the S.175 specifically says transportation is not required from the school. Federal law would supersede state law in these cases. Specialized transportation costs can be substantial.
5. This law could potentially create a new level of school shopping that could cause faster declining enrollment in some schools with increased enrollment in others placing increased pressure on the funding issues we currently are experiencing.
6. This law could place a higher level of cost for special education on certain districts based on preference of parents regarding special education programming school by school.

7. There may be a more significant challenge in budgeting and anticipation of equalized pupil calculations due to the reliance on residency estimates in the budgeting process.

**Recommendations:**

Further study as to the:

- Scope of the problem state wide that will allow exploration of the educational and financial consequences of the potential implementation of S.175
- Practices currently in place in decision making among school districts when moves are made after the school year has begun and the parent wants the student to remain in the school of origin.
- Potential impact of the current governance discussions in the legislature that would have impact on the needs S. 175 is proposed to address.