

**Vermont Council of Special Education Administrators (VCSEA) Comments  
regarding:**

**S. 91: An act relating to public funding of some approved independent  
schools**

**1/21/14**

The following comments concern students who are placed in independent schools with public tuition dollars. These comments do not directly concern students who are parentally placed and funded.

VCSEA is in support of a range of educational options for Vermont families; independent schools have a long history in serving many students well. We, as VCSEA members recognize that a number of independent schools do have open enrollment practices and serve students with disabilities effectively. VCSEA members would like to see opportunities within Vermont's independent schools available to all students, including those with disabilities.

1. Non-discrimination with respect to disability status is an important civil right within our national and state educational frameworks. This protection should apply to any school in Vermont that is a recipient of public tuition funds. Therefore, VCSEA members are committed to advocating for statutory language that requires independent schools that receive public funds to have open enrollment policies.
2. A comprehensive system of supports as outlined in Vermont statute as an Education Support System needs to be in place for students enrolled in independent schools that receive public tuition dollars. A well articulated, designed and implemented educational support system provides students with the supports they need responsively, flexibly and in a timely manner. In such a system students are provided support and accommodations and services as soon as a need is identified rather than waiting for failure.

The provision of disability related Section 504 accommodations and services, as well special education and related services for students eligible for special education need to take place in a system that is responsive to student need early rather than creating reliance on special education to address struggling student needs.

3. The Local Education Agency (Supervisory District or Supervisory Union) bears statutory responsibility for the education of students with disabilities who are enrolled with public funds in independent schools. In the case of disagreement between the parent of a student with disabilities and the independent school with regard to the provision of special education services accountability lies with the Local Education Agency (LEA) and not the independent school. The involvement of the LEA Representative or

Special Education Administrator is therefore critical in all decision making with regard to the provision of special education services. Given the complexity and heavily regulated environment governing the provision of special education services clear delineation of the responsibilities of the independent school, the LEA and the Agency of Education must be identified.

4. Licensed teachers with an endorsement in special education are essential to the provision of appropriate services to student with identified disabilities. Related services personnel such as Occupational and Physical Therapists, Speech-Language Pathologists and Clinical and School Psychologists must be appropriately licensed. The quality of services provided by qualified personnel is critical to positive outcomes.
5. VCSEA also supports the use of state wide educational assessments to provide a benchmark for annual yearly progress for independent school students.
6. VCSEA does not support the closing of public schools that may subsequently become independent schools. We believe there is risk to the provision of appropriate services to students with disabilities.
7. VCSEA also supports the provision of free and reduced priced meals to students enrolled in independent schools.
8. By federal and state law special education eligible students who are placed by parents privately in an independent school without public tuition dollars forgo their right to a Free Appropriate Public Education (FAPE) including an Individualized Education Plan (IEP). These students are entitled, by federal law and state statute only to very limited supports and services under an Individual Services Plan as determined by the LEA. At the LEA's discretion, after receiving input from the independent schools and parents within in their district or supervisory union, the LEA determines how these limited and prorated dollars are spent. These requirements are substantially different from those required when public tuition dollars are providing for placement of a student eligible for special education in an independent school.