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Testimony to the Education Committee of the Vermont House of Representatives by:

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Thank you for the opportunity to testify before you today relative to “An Act Relating to Special Education.” By way of introduction I am a Staff Attorney with Vermont Legal Aid’s Disability Law Project. In this capacity, for over twenty years, I have advocated for children and adolescents with disabilities in a variety of legal arenas, including in special education. I have attended IEP and 504 meetings, filed for Due Process on behalf of students to exercise their right to a Free and Appropriate Public Education (FAPE), and participated in mediation in an attempt to resolve educationally related disputes between parents and the school districts charged with the education of my clients. I have represented students with mild and severe learning disabilities, cognitive disabilities, emotional and behavioral disabilities, speech and hearing impairments, and students with Autism Spectrum Disorders (ASD). I believe it is fair to say that I have a fairly extensive knowledge of the law of Special Education.

I am also the Chair of the elementary school board in my town, and serve on the Executive Committee of the relatively newly formed, Two Rivers Supervisory Union. In this capacity, I have some familiarity with, although I am not an expert in, educational funding, and educational policies as it impacts ALL students. I also serve on the Act 46 Study Committee in my community and recently participated in a superintendent search.

I am here today to share with you my thoughts on the proposed legislation, and to comment on the testimony, as I understand it, of your prior witnesses.

First, I applaud the Committee’s efforts relative to cost containment. I question, however, the wisdom of proceeding so quickly. I reviewed the Executive Summary of the Picus Report, Dr. Giancreco’s testimony and the articles he referenced in his testimony. I reviewed the power point slides provided by the District Management Council, and the Executive Summary of Dr. Kolbe’s analysis on Special Education Funding in New Jersey. I also reviewed the notes of a colleague of mine who was present during these witnesses’ testimony.

I agree with the sentiment shared by the other witnesses, including the author of the Picus report that “Policy makers should proceed cautiously in attempting to achieve savings because the complexities of school finance may lead to unintended consequences.” See Using the Evidence-Based Method to Identify Adequate Spending Levels for Vermont Schools, Executive Summary, January 28, 2016, page 1. I encourage caution for a number of reasons:

- Ensure transparency and stakeholder involvement.

Dr. Kolbe stated in her NJ report that the process must involve stakeholders. “Any new effort to examine special education costs or to develop a special education funding formula needs to be done in the spirit of openness and collaboration. This means full public disclosure of the process and stakeholder opportunity for input on findings.” See Kolbe, Ed.D., Tammy, Special Education Funding in New Jersey, A Policy Analysis, December 2007, Executive Summary, page 8.

As an advocate and school board member, I question whether the process is too rushed; whether stakeholders and policymakers are in agreement with the proposal in Section 2 that “*the census block model of funding for special education in Vermont*” is in fact the best model for our state; whether it will ensure an inclusive service delivery model; ensure adequate funding for an increase in the number of highly qualified special education teachers; reduce reliance on paraprofessionals, and ensure that students with disabilities receive the free, appropriate public education (FAPE) to which they are entitled in the least restrictive environment. In my own elementary school, in preparing a budget, we eliminated two (2) FTE general education paraeducators and one (1) part-time special education paraeducator in order to balance the budget and remain within the spending thresholds. We cannot afford to hire a special educator, or highly trained math or reading teacher at this time. We were a high-spending district last year, due in large part to an influx of children with significant emotional and behavioral needs. We continue to work to meet the individualized needs of these students, and to provide a high quality education for all of our students. Before changing the funding formula, we need assurance that the proposed model is not only cost effective, but meets the needs of our students, and has stakeholder buy in, including from special education teachers and administrators, regular education teachers, building principals, superintendents, and most importantly, parents.

Section 3 of the proposed legislation requires the District Management Council (DMC) to select member districts for its study, and complete its work prior to October 1, 2017. I question whether 10 districts will be prepared to participate in the study much before the completion date. Assuming the towns in my supervisory union vote in favor of a merger, we will not be operational under Act 46 until July 1, 2017, only three months prior to the end of DMC’s work. How many other mergers will be operational between now and then? From what I have heard, only a handful of districts around the state are on the fast track to merge into a single district. Again, as a school board member, I question whether the process is too rushed, and

disadvantages smaller supervisory districts (with less than 1500 average daily membership), and those diligently, but thoughtfully complying with the Act 46 mandate. Boards, superintendents and communities have their hands full studying and preparing for a new governance structure. Now may not be the best time to rush into whole scale changes in special educational practices and funding models.

- Vermont focused.

Dr. Giangreco, in his testimony questioned the wisdom of building a model based on national averages. *See* February 11, 2016 Testimony of Michael Giangreco. He pointed out that Vermont has been a leader in inclusion meaning we educate more students with disabilities in the least restrictive environment, as required by the Individuals with Disabilities Education Act (IDEA) and Vermont law and regulations, than do many other states. This is a quality we do not want to lose; we also do not want to dilute the access that our students have to special educators, and literacy and numeracy specialists. Without further study of the appropriate ratio of personnel to student, based on Vermont factors, I fear we will do our students, our educators and our schools a disservice. Dr. Giangreco makes an important point too, about the rationale behind a personnel shift and that includes reallocating personnel to support a multi-tiered system of support (MTSS) model, a model that is important to reducing costs and achieving better outcomes.

Finally, I have no opinion on whether another position should be funded at the Agency of Education. I am not well versed in their needs. I would encourage, however, this body to establish a blue ribbon study committee, comprised of Agency of Education staff, special educators, regular educators, school administrators, including special education administrators, principals, superintendents, advocates including the Federation for Families, Vermont Family Network, Vermont Legal Aid, and of course parents. This group would build on the work of Dr. Giangreco and others in devising a funding formula this is responsive to the needs of our students, our schools, our communities, and tax payers.

Thank you.