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## DISABILITY LAW PROJECT

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Testimony to the Education Committee of the Vermont House of Representatives

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Thank you for the opportunity to speak with you about special education, an issue that has been part of my personal and professional life for 40 years. I first entered the world of special education as a parent advocating for the needs of my children with disabilities and later as an advocate for the children of other families traveling the same path. That advocacy led to a career change when, in 1986, I left nursing, returned to school and began a career as a paralegal with the Disability Law Project at VT Legal Aid in 1988. In my 28 years with the DLP, the overarching focus of my work has been in the area of special education. I have advocated for children with disabilities, served on many work groups and committees convened by the Agency of Education, helped draft and comment on proposed special education and other education rules, and testified before the legislature. Most recently, I serve as a member of the VT Special Education Advisory Council mandated under the federal special education law and charged with advising the Agency of Education on all matters related to special education. Therefore, I consider myself to be very knowledgeable, if not an expert, in what the law requires of local and state education entities with regard to the education of children and youth with disabilities.

Over these past 28 years, I have seen and/or participated in numerous attempts to figure out how best to serve students with disabilities and best manage the limited resources of our State and local communities. We have seen Act 230 (1990), Act 157 (1996) and Act 117 (2000) all focused on improving the supports available within the general education environment with the intended goal of reducing the number of students needing special education. The current iterations of those efforts are the Multi-tiered System of Support (MTSS) and the SWIFT initiative. The same goal but more evidenced based initiatives which I applaud and support. Yet neither are mandated creating inequities across supervisory unions and even schools within a supervisory union.

Likewise, over this same time frame there have been numerous studies of how best to fund special education. To my recollection, there have been six (6) between January

1995 and January 2001. There has been no focus that I can recall regarding the funding of special education since then.

I am not very knowledgeable, and certainly no expert in the funding of education, generally, or special education specifically. While I agree we need to look at the funding structure for special education and applaud this committee's commitment to undertaking this challenge, I share the concerns expressed by my colleague, Ms. Mahusky and others who have urged a cautious and more integrated approach. I have great respect for the work of Dr. Giangreco. I am impressed with what I know of the work of Dr. Kolbe and am curious to know more about the work of Mr. Levinson. I do not know what the appropriate funding structure for special education is. I do know that we have historically not benefitted much from findings of outside experts who, as in the case of the "Picus Report", do not know special education law or Vermont well. I also know that if we are to achieve quality outcomes for students with disabilities and equal access to education under the VT Constitution, the Brigham decision and Act 60, we need to-

- Define and articulate a common mission;
- Have a transparent process with input from all stakeholders;
- Recognize the impact of all of the changes in the delivery of education enacted over the last several years, including Act 46, both on local schools and the Agency of Education; and
- Adhere to our obligations - moral and legal - to children and youth with disabilities.

Federal and Vermont laws have set high standards and expectations for all students, including students with disabilities. In fact, the Individuals with Disabilities Education Act (IDEA) took the lead on this premise when it identified as its purpose in 2004 the provision of specialized instruction (special education) and related services designed to meet the unique needs of students with disabilities in the least restrictive environment and "to prepare them for postsecondary education, training, employment, and independent living." Is that not the goal we have set by the enactment of education quality standards, personalized learning plans, dual enrollment opportunities and proficiency based graduation requirements? If so, we cannot look solely through the lens of reducing special education costs or rush to make changes before we know the impact of changes already in play but not fully implemented.

For these reasons, I encourage this committee to utilize the knowledge and expertise of Vermonter stakeholders and those currently working with schools in Vermont, to bring back to the legislature a more comprehensive understanding of needs and recommendations for funding changes.

Thank you.

