

# VERMONT LEGAL AID, INC.

## DISABILITY LAW PROJECT

56 MAIN STREET SUITE 301  
SPRINGFIELD, VERMONT 05156  
(802) 885-5181 (VOICE AND  
TTY)

FAX (802) 885-5754  
(800) 769-9164

OFFICES:

BURLINGTON  
RUTLAND  
ST. JOHNSBURY

OFFICES:

MONTPELIER  
SPRINGFIELD

Testimony to the Senate Education Committee by

Marilyn A. Mahusky, Staff Attorney  
Disability Law Project, Vermont Legal Aid, Inc.

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Thank you for the opportunity to testify before you today relative to Special Education in Vermont. 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, and access to health and mental health care. 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.

Earlier this year, I testified before the House Education Committee, and commented specifically on proposed legislation, H. 859, an "Act Relating to Special Education." I won't repeat that testimony here, other than to highlight my main points, which echo in part, the testimony last week of Drs. Giangreco and Ricca.

- Establish a special education financing study committee.

- The committee should be independent of the Agency of Education, spearheaded perhaps by the legislature.
- The committee should include a range of stakeholders, including parents, special educators, special education administrators, superintendents, chief financial aid officers, school board members, and advocates, *e.g.*, the Federation for Families, the Vermont Family Network, and the Disability Law Project of Vermont Legal Aid, etc.
- The committee should evaluate a number of models, not just the census-based model. There is concern that the census-based model may be over-inclusive or under-inclusive in identifying students eligible for special education. The model must account for students living in poverty and affected by substance abuse, trauma, homelessness, etc.
- Any model must comply with the federal requirements of the Individuals with Disabilities Education Act, (IDEA), 20 U.S.C. 1400 *et seq.*, and cannot diminish or reduce student's protections under the Act, including the right to be educated in the least restrictive environment.
- Any model must ensure adequate funding to increase the number of highly qualified special education teachers, and its corollary, funding for training of regular education teachers in the needs, especially the emotional and behavioral needs, of children with emotional disabilities.
- Any model should build on other systems of support within our schools, including Positive Behavioral Interventions and Supports (PBIS), and other Multi-tiered systems of support (MTSS).

Finally, I would encourage continued collaboration between school districts, and local mental health agencies. Dr. Ricca pointed out the critical need for access to Child and Adolescent Psychiatrists, individual therapists, and hospital beds for students in crisis. Our mental health system needs increased funding to ensure these supports are available, across the state; that children are treated within the state's borders, and that the silos that remain between Medicaid, Mental Health, Health, Developmental Services and the Department for Children and Families are addressed. Too often, children and families in crisis are not able to access appropriate services in a timely way due to the many barriers they face in access to local services, including funding.

Thank you for the opportunity to speak with you today. I am pleased to respond to any questions or concerns you may have.