



April 7, 2015

Testimony to the Senate Education Committee regarding Adverse Effect

Vermont Family Network is the Parent Training and Information (PTI) Center in Vermont. PTIs exist as part of IDEA (Individuals with Disabilities Education Act). We support parents of children with disabilities in getting their children needed services so they can achieve their best possible outcomes. A large part of our work involves providing parents the information/resources they need and the appropriate steps they can take to advocate for their children in school. Special education laws and regulations can be very confusing for parents who are already overwhelmed with all the daily challenges in raising a child with a disability.

We operate a statewide telephone helpline and can also attend school meetings with parents when there is a need. For the most part, we hear from parents only when problems arise in school. In 2014, we had over 3000 contacts, 2600 from parents and the remaining calls are from professionals. We recorded 9,000 contact subjects, of which approximately 700 involved special education evaluations and eligibility.

Our work with parents shows that the adverse effect criteria in Vermont's special education regulations exclude children with functional deficits from being eligible for special education services. The children affected the greatest are those with mental health diagnoses and those diagnosed with high functioning autism. These are children with normal to above average IQs, and who have few to no learning problems but struggle mightily with understanding social norms, behaving appropriately and/or communicating with peers and/or adults.

Here are some examples of children whose parents we hear from:

“A was bullied. He didn't admit to hating school for that reason, but it was one of the reasons, for sure. He would literally get up 5 – 7 minutes before the bus came (after mom trying to wake him up for about an hour). He had no (real) friends. His pseudo friends loved to provoke him when adult eyes were not looking so he would get into trouble (and be suspended, etc.). And, because some of the bullying behavior took place on the bus, A often needed mom to drive him to school. When A tried to ride the bus, he missed the bus a few times as he had no real concept of time and was penalized for being late for school, after calling on his mother to drive him in.”

Transportation can be a related service provided to a child on an IEP (individualized education program). Behavior plans can be developed for bus rides both to teach a child social skills as well to protect a vulnerable child. Children with social skill deficits are often bullied, making school an unpleasant experience and if a child does not feel safe and/or happy in school, that

child will not love learning. Children with social skill deficits often also react inappropriately to being bullied, which compounds the situation.

“Teachers at the school tell me B is too bright to qualify for special education. She has no friends and I see her not participating appropriately or even at all during circle time; sometimes she sits outside the group paying attention to a completely unrelated object. Even in group projects, the other children ignore her suggestions. She often seems confused by the activity going on in the classroom around her and doesn’t understand what to do.”

“I get called 2-3 times a week to pick up C from school for all sorts of behavior issues. Sometimes he defies the teacher, or he disrupts the class by being loud or distracts the other students. I’m starting to think his teacher hates him and uses the first opportunity to send him home. I can’t keep my job if I have to leave so often to bring him home. Yet when I ask the school for help, they say he is too bright to qualify for special education.” Anxiety often looks like defiance.

We often hear this from parents – that they are discouraged even from requesting a special education evaluation because their children are “too smart.” Without social skills instruction or a behavior plan, children’s communication skills and behavior can continue to deteriorate until they fail their academic classes through their inability to access their education, thereby finally qualifying for special education. But children shouldn’t have to fail over and over again, before receiving help.

The purpose of IDEA is to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. The acquisition of functional life skills is just as important as academic skills in preparing our children for post-secondary life.

As parents, we want our children with disabilities to receive the services they need both in functional and academic areas to become happy, productive members of society. We welcome the opportunity to work with the VT AOE and other stakeholders to develop improved guidance around implementation of the regulations. However, reopening of the Special Education Rules will be needed to fully remedy this situation.

Thank you,

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