

To: Members of the Senate Education Committee,
4/21/16

RE: Secretary Holcombe's response to amendment H.859

Federal Law requires that my daughter, Martha receive a Free and Appropriate Public Education in the Least Restrictive Environment. Often, the argument over what is "least restrictive" involves a choice between educating a student in an inclusive setting among typically developing peers, or not. Nothing on earth would make me happier that to be able to come here today and to ask you only that, that Martha be included within an existing classroom. But unfortunately, like many of Vermont's children who are in the moderate to severe range on the autism spectrum, **THAT IS CURRENTLY NOT AN OPTION** for her. I have made it my life's work to assure that while I am still here, some day, it will be.

For now, the question comes down to this: What is the least restrictive environment that can still provide Martha the education that she is entitled consistent with her higher level of needs? If there were a place in Vermont that could do this, was set up to do this, right now, I would not be at this committee, I would be there, right now, filling out the enrollment forms. But there isn't. The reasons for that may be varied--economies of scale, the history of institutionalizations of this population that Vermont is now working so hard to overcome, the difficulties in coordinating services, responsibilities and funding among State agencies with hard-working, well-intentioned public servants--but as far as Martha is concerned, these reasons, while not unimportant, are secondary.

The requirement for least restrictive environment is an absolute requirement under Federal law, and that law and the cases under it are absolutely clear that the lack of existing structures and services

are not and cannot be an excuse for finding an alternative way to meet this requirement under the law. Many have chosen the courts to enforce this rule and make sure that it is not disregarded to the detriment of our precious loved ones. **That is not the Vermont way, and that is why I am here today, to try to work this out fairly, but cooperatively, and taking everyone's interests to heart, but first and foremost Martha's, whose rights the Federal statute's unambiguous mandate is intended to protect.**

For Martha, my sweet 16 year old girl who has already overcome so much, and on a daily basis has to deal with so much, in her life, for whom "least restrictive" may never mean being in a classroom with typically developing peers, for now at least, we have to aim our sights on what is achievable, while still making the most economic sense, and still enabling the State to fulfill its statutory obligation.

It is beyond question, it is not even arguable, that sending my daughter away to another state, away from the home where she can feel free, the loving family where she feels included, and the community where she has support, would restrict her precious life and education in ways that are far more restrictive than the statute permits.

Within the unavoidable challenges that autism causes for Martha, there is a place for her and others like her, and it is at home, in her community, with an environment that meets her needs without stripping away from her, all of the things that currently make her secure, and make her feel included, which are the very things that this statute was written for.

I am asking you to take a moment to contemplate the message we are sending to families like mine, families who fight every day to educate, care and keep our children safe and learning, to the greatest degree that we are able. My family has lived here and

woven itself into many communities all over the state of Vermont, in part because of the levels of personal responsibility, self-starting nature and do-it-yourself culture that we are famous for. We like solving our own problems. That, at bottom, is what Martha and I, and families like ours, are attempting to do here. We have come up with a reasonable plan that is not only far less restrictive than the alternative requires, consistent with the requirement of Federal law, but also enable the state to save considerable amounts of money for its taxpayers, by not shipping our kids out of State.

Parenting a child with special needs ages the best of us, but it also teaches us, early on, the art of the possible. What I bring before you today is not only what is possible, it is also what is appropriate, what is necessary, and what is required. This is a way to save State resources, keep families together, fulfill the State's statutory obligations and still allow even the more challenged among us to continue to feel that they a part of something. I will be eternally grateful for the time and consideration you have given me these past few weeks to make Martha and I, and others like us, heard. I urge you to approve the amendment on Bill H.859, and not to tear apart what the efforts of our families, loved ones, support staff, and existing communities have built here.

Thank you,

Kathleen Burke Kourebanas