



Vermont Independent
Schools Association

Testimony to the Senate Education Committee

Re: H.859, amendment proposal draft 2.1

Mill Moore, Executive Director

April 22, 2016

I represent the community of independent schools that educates eleven percent of all kindergarten through grade 12 students in Vermont. Our community includes 33 schools that provide only special education. These are schools that exist to provide services to students whose needs are so great that they cannot be accommodated in a general education setting.

These 33 schools enroll approximately 750 students. A majority of these students are day students, but significant numbers are in residential programs. And, these residential special education schools enroll as many if not more students from out-of-state than from in-state.

My testimony today concerns the proposal of amendment version 2.1 to H.859, the special education funding bill. In particular, I wish to address the provision on page 7, lines 9 through 13. This provision would add a new subsection—subsection (f)—to 16 V.S.A. § 2958 concerning residential placement of special education students:

(f) When a residential placement is determined to be necessary in accordance with this section, an appropriate Vermont-based residential program, including an appropriate professionally staffed home or community-based setting, if one exists, shall be considered as a least restrictive environment before an out-of-state placement is considered.

This additional language appears to favor in-state residential programs over out-of-state programs.

VISA opposes this language. We think it can do no good for students or for schools. Three reasons:

First, important special education services in Vermont are provided by organizations that operate in several states and which locate specialized resources in various locations both in Vermont and in other states.

The Beckett Family Services organization is the leading example of this. Beckett operates at 21 school locations and 17 community office locations in Maine, New Hampshire, Vermont and Massachusetts. Beckett operates special ed schools in Bennington and Bradford, Vermont, plus more school facilities in nearby New Hampshire locations including Pike, Warren, Rumney and Plymouth. Students at Beckett's Connecticut Valley Academy in Bradford routinely move back and forth across the Connecticut River to the nearby New Hampshire facilities for various specialized programs or services. As far as Beckett Family is concerned, the state line is transparent.

Second, a student's IEP Team is obligated to design, implement and evaluate a program that serves the student's best interests. Placing a student in the least restrictive environment is a leading criterion. If all things were equal, an IEP Team likely will choose an in-state facility over an out-of-state facility. But, circumstances rarely are equal.

Here is a quite likely counter-example: If a suitable facility is 20 miles away in New Hampshire, compared to an equally suitable Vermont facility 80 miles away, the IEP Team must be free to recommend the New Hampshire facility. A statute that prevents that recommendation interferes in the IEP Team's responsibility and the student's right to an education in a least restrictive environment.

Finally, at a general level, educational services and funding cross state lines in many different contexts and for many different purposes. Restrictions on that flow inevitably have a chilling effect, if not an outright negative impact, on students' needs.

I recommend this committee not adopt the proposal to add subsection (f) to 16 V.S.A. § 2958. The addition does no good; it can only cause harm.

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