

Julie Erdelyi  
Special Education/ Adverse Effect  
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Dear Ms. Cummings and Senate Education Committee,

Thank you for hearing my testimony today. I will be very brief, in highlighting some important points and then answer any clarifying questions you may have. I am an educator with 29 years of experience working with students who have a range of disabilities, including some like autism that may primarily present as challenges in behavior and social interaction.

In Vermont, Adverse Effect has a specific definition, which you have received. The current rule looks solely at educational performance from an academic perspective – this despite the fact that Vermont’s Framework of Standards and Learning Opportunities include the critical life skills of teamwork, conflict.

You have heard testimony from families who have been denied access to special education services due to not meeting adverse effect. Professionals in VT including the AOE and VCSEA agree this is a serious problem.

Bottom line: Vermont’s Adverse Effect Rule, *by definition* discriminates against students who have a disability that primarily impacts their social development. This includes students who have some forms of autism, emotional disabilities, and ADHD. The fact that some districts interpret the letter of the law more loosely than others does not erase the fact that the regulation *as written* is discriminatory.

Legislative action – not study or training – is needed to bring Vermont into compliance with the understanding of educational performance that is contemplated by the IDEA (2004). The Agency of Education has had many years to address this issue in its regulations and it has failed to do so. Ongoing stakeholder engagement and training are welcome, but these need to be conducted in the context of a clear, legislative mandate that educational performance in Vermont shall include consideration of both academic and functional skills – just as it does in all other 49 states.

Again, we ask that the Committee amend VSA 16, §2942 to include of the following statement as the ninth (9th) Basic Skill Area for eligibility in the existing special education rules:

“Educational performance means, for students of legal school age, performance in those academic and functional areas within the general curriculum and the broad expectations of what students should know and be able to do in the domains of communication, reasoning and problem solving, personal development and civic/social responsibility.”

This language is consistent with IDEA, the Common Core standards, and the Vermont Framework of Standards and Learning Opportunities

Thank you for your time.

Sincerely,

Julie Erdelyi