



March 2, 2017, Disability Awareness Day

To: Members of the House Education Committee

Vermont Family Network hosts the Parent Training and Information Center (PTI) in Vermont. We are a part of a national network of PTIs and are funded through the Individuals with Disabilities Education Act (IDEA). Parents of children with disabilities are equal members of their child's school Individualized Education Program (IEP) team. Our role, as the "state parent" is to guide families through the special education rules and law as they pertain to their children with disabilities in school. We support strong parent-professional partnerships for student success.

We are a parent run organization and our mission is to empower and support all Vermont families of children with special needs. Our Family Support Staff are parents of children with disabilities, and we help families whose children span the full range of disabilities. This includes physical, mental health and intellectual disabilities. Our office is based in Williston, with staff in Rutland, the NEK, and Franklin/GI. We recorded 3621 contacts with families and 740 contacts with professionals in 2016.

We support families and professionals through our telephone helpline and in-person support. We can attend Individualized Education Program (IEP) meetings and Section 504 meetings with families, often when communication has broken down between parents and schools and the child is struggling. Children can be in difficult situations, involving suspension/expulsion, alternative educational placements, and restrictive behavior interventions. We support parents to have their voice heard and model collaborative skills to promote team building and communication between families and schools. We also provide information on special and general education through webinars, fact sheets and workshops.

The following is a list of "hot" topics in education from the disability perspective:

Independent Schools:

The proposed independent school rules ensure open enrollment and that students in all categories of disabilities can be served by independent schools receiving public funding and

have equity of school choice when an independent school is an option for all students living in districts where there is no public school and/or where school choice is available. Some independent schools have close to 90% of their students publicly funded and can deny access to students because they need special education services. We believe this practice is discriminatory and would be a violation of the constitutional rights of students with disabilities to access the same programs and services available to their non-disabled peers. These updated rules are crucial to ensuring that all students, regardless of their disability or protected class status, are able to enroll with their peers in any independent school that is funded with public education dollars. Our most vulnerable students need equal access to sound educational practices and we hope that the proposed rulemaking will ensure that ALL of Vermont's children have equitable access to a quality education.

Special Education Eligibility:

There are three gates regarding a school-aged child's eligibility for special education. The child has to 1) have a disability that has 2) an adverse effect (lowest 15%) in a basic skill area, and 3) require specialized instruction. Vermont is the only state that has chosen to define adverse effect to include only academic skills, and the result is that Vermont schools provide special education to students with specific academic deficits, but can withhold them from some students with social, functional, and emotional deficits. Such functional deficits can present significant impediments to students' ability to learn and reach successful outcomes. This situation unnecessarily, and in a discriminatory way, prevents some students from receiving the help they need in school to become productive adults. Children with diagnoses of autism spectrum disorder (ASD) and mental health are the main groups affected. While the Vermont Agency of Education has provided training and checklists to school staff over the last year so that special education eligibility decisions consider functional deficits as they relate to academics, if the definition of educational performance is not widened to include both academic and functional skills in the rules and statute, parents' ability to advocate for their children will be weakened. Children who do not receive the educational services they need will be at greater risk of being unemployed and dependent on public assistance in their adult lives.

Inclusion and LRE (Least Restrictive Environment):

Families of children with disabilities want nothing more than to have their children included in the classroom and in the community. IDEA provides that States must have in place procedures assuring that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and

services cannot be achieved satisfactorily. This provision states IDEA's strong preference for educating students with disabilities in regular classes with appropriate aids and supports. With pressure being placed on special education funding in Vermont, as well as the philosophy espoused by the US Department of Education Secretary supporting charter schools, this could lead to our children with disabilities being educated separately and relegated to the periphery, rather than the heart, of the community.

Early Intervention

Our youngest learners (infant-3 years) who have, or are at risk of having developmental delays, are entitled to supports and services from Children's Integrated Services (CIS) Early Intervention under Part C of IDEA. This includes developmental services, as well as physical, occupational and speech therapy. We are concerned that the combination of years of level funding for CIS, increasing caseloads and family complexities, and loss of highly qualified staff in the regions is eroding the state's ability to meet its legal mandate to serve these children appropriately and achieve the promise of well-integrated, family-centered, results-accountable services throughout Vermont. Robust services in early childhood can mitigate the need for special education services later in school. Vermont needs to prioritize and fund the needs of its youngest residents.

June grads:

The purpose of the Individuals with Disabilities Education Act is to ensure that all children with disabilities have available to them a free appropriate 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. Students with disabilities *can* stay in school and receive special education services until their 22nd birthday if it takes them longer to learn the skills to transition out of school. The students eligible for delayed graduation are our neediest youth. June grads are specifically youth who are on the autism spectrum and/or have intellectual disabilities aged 18 and 19 who graduate when they may have benefitted from staying in school to access valuable special education services that could vastly improve their ability to lead independent and productive lives. When a youth's educational opportunities are cut short, this shifts the youth's school path to the path of being a consumer of designated agency services. This is not was intent of IDEA and limits a youth's access to programs such as dual enrollment. We hope that there will be steps in place to prevent the premature graduation of these vulnerable students. This practice also places a financial burden on designated agencies as these youth prematurely exit the education system.

Procedural Safeguards:

When families of children with disabilities disagree with a school's decision regarding their child's special education eligibility, services or placement, their three complaint options are 1) administrative complaint, 2) mediation, and 3) due process procedure. The administrative complaint process has not worked for most parents for a number of reasons but the main reason is that there is no enforcement if a school fails to carry through with the corrective actions outlined in the administrative complaint report. Families have found more success in the mediation process but again there is no enforcement mechanism built into the mediation process. In addition, mediation without the leverage of the real possibility of a full due process hearing with legal representation if mediation is not successful puts parents at a disadvantage in the mediation process. The due process avenue is out of reach for most families because the cost of hiring a special education attorney is prohibitive. While schools always have access to attorneys, families with few exceptions, do not, making due process impossible for families to initiate in the vast majority of cases. This leaves parents often no remedy at all when they disagree with a school over their child's educational program. Families are at a distinct disadvantage with schools when there is a difference in opinion over educational services for a child with a disability and vulnerable to arbitrary denials of a free and appropriate education (FAPE) for their children.

Act 166 - Preschool

We remain concerned that families of preschoolers who have disabilities do not have the same freedom of choice for early learning opportunities outside their school districts that families of typically developing children have. We hope that any anticipated changes to Act 166 will address this, and/or Act 46 may afford more choices for families in the consolidation it requires.

Thank you for listening to the concerns of families of children with disabilities.

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