



Vermont Developmental Disabilities Council

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Good afternoon. Thank you for the opportunity to speak with you today. For the record my name is Kirsten Murphy and I am testifying on behalf of the Vermont Developmental Disabilities Council where I am the Executive Director. The Council is a federally funded advisory board charged with improving -- through public policy -- the supports and services for people who experience a developmental disability. Special education is certainly one of the most critical of these service systems.

You have heard from several professional associations and the Agency of Education about the need for greater flexibility and less administrative burden in managing special education funds. These are reasonable goals. The Council does not object to a census-based model *per se*, but does object to the formulation set out in this bill on several counts:

- The proposed bill would cut base funding for special education by more than 50% over an eight-year period. In fact, when a modest inflation rate is factored in, base funding/student will be cut by 57.5%¹. Statute is not an appropriate place to lock down incremental reductions in funding in an unknown future. These are decisions that should be made on a periodic basis and carefully calibrated to consider educational impact, equity, and inflation.
- The proposed bill would allow SUs to shift funding away from students with IEP's -- who are the students with the greatest needs -- toward other struggling students. Prevention-oriented services are important but should not be paid for at the expense of services that are an entitlement under federal law (IDEA).
- The Kolby study says, "To achieve savings without potential harmful impacts for students, a move to a census-based funding mechanism must be tightly coupled with shifts in practice and service delivery models." The authors acknowledge that "in the near term, AOE may require additional resources to accomplish these goals [shifts in practice]." The proposed bill does nothing to ensure that AOE has the necessary resources to support SUs in establishing or enhancing best practices like MTSS, PBIS, and early literacy.

¹ Using an inflation rate of 2.5% we can anticipate that the \$1837/student cost established in 2016 would be the equivalent of \$2340 in 2026.

- The proposed bill contemplates a significant change in how we fund services for children and youth with disabilities, without exploring how these changes would interface with other related policies, including support for trauma informed care and initiatives by the Agency of Human Services.
- In discussing how to ensure that the proposed formula does not violate the civil rights of students with IEPs, the committee has indicated a reliance on parent advocacy and litigation. This is unrealistic and unproductive. No family wants to be in the position of taking a district to due process, and very few Vermont lawyers take these cases.² The burden should not be on families to enforce the IDEA.

Far more planning is needed to responsibly shift to a census-based model, while at the same time ensuring that SU accelerate the implementation of cost-effective best practices. The Council recommends that the bill be revised to vest a panel of educators, education finance experts, and family members with developing an implementation strategy based on combining the findings and recommendation of the UVM study (Kolbe and Killeen, Jan. 2018), the report of the District Management Group (Nov. 2017), and other sources as appropriate.

Again, thank you for considering these comments.

² Between 2005 and 2015, there were 10 Due Process Decisions issued. In all but one case, the ruling was in the districts favor.