

**TESTIMONY PROVIDED TO:** House Education Committee

**FROM:** Meagan Roy, CVSD Director of Student Support Services/VCSEA President

**TOPIC:** Response to Draft Special Education Funding Bill *Draft 12.1*

**DATE:** February 20, 2018

House Education  
Meagan Roy  
2-20-18

This testimony will not specifically restate the points made during earlier testimony, but offers the following comments to the current draft (12.1) at this time and will then take questions.

- Findings & Purpose: We strongly support the goals and purpose of the current draft, in particular the first goal “to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont’s school districts, including students receiving special education services and students who need additional support but do not receive special education services.” We believe this places the appropriate emphasis on improving practices for students who struggle, and therefore student outcomes. It also acknowledges that such improvements come only after significant systems change in schools, and requires new learning and support for full implementation.
- Advisory Committee: VCSEA continues to strongly support the provision of an advisory committee to further study the implications of the census-based funding model. We support the makeup of the committee as outlined in the current draft.
- Early Implementation Program: We support the concept of an early implementation program for districts who have done the prerequisite work necessary to take advantage of a census-based funding model more quickly. It would allow those districts who believe they are prepared to move forward to receive support from consultants and funding flexibility during the implementation phase.  
However, we have concerns about the funding allocation decrease for early implementers. The current draft suggests that early implementers would receive an educational support grant that is *less than* their previous reimbursement (because it is based on the average reimbursement from the FY16, FY17 and FY18 school years - which can fluctuate greatly - and the extraordinary cost reimbursement would have a higher threshold, therefore lowering the overall support grant). This would mean that early implementers will receive less funding than the non-participating districts, who would continue with the reimbursement model. This is a significant *disincentive* for participation, even with the flexibility that a support grant would provide.
- Maintenance of Effort: The current draft bill does speak to MOE as calculated by the SEA contribution to special education. It does not, however, address MOE issues that arise from LEA contributions, and therefore this issue is not sufficiently resolved in the current draft. LEAs may not reduce their special education expenditures significantly below their spending from the preceding fiscal year. The law does allow for some specific exceptions that would justify a reduction in spending if it is attributable to any of the following: a). voluntary departure of special education or related services personnel; b). decrease in the enrollment of

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children with disabilities; c). Students exit (through graduation or otherwise) or are no longer in need of costly program supports.

If districts receive less funding from the state **and lower their spending to match that decrease**, they are at risk of failing the MOE test and therefore losing a portion of their IDEA-B grant. It's unlikely that a decrease in spending that was the result of a service delivery model change (such as that outlined in DMG) would satisfy MOE requirements, as the current exceptions do not allow for that. **This remains a significant unresolved issue with the current version of the legislation.**

**Additional Questions:**

- **Selection of Early Implementation Districts:** Is there a reason why the early implementation program is limited only to participants of the statewide study? A number of other Vermont districts have been participating in systems work guided by the District Management Council, but did so outside of the 2017 study.
- **Inclusion of PreK into ADM calculation:** Does the committee intend this provision with the assumption that PreK students will no longer be counted in the ADM count if they are attending non-public preK programs (as in the proposed Act 166 legislation)?