

TESTIMONY PROVIDED TO: House Education Committee

FROM: Traci Sawyers, Executive Director, Vermont Council of Special Education Administrators (VCSEA)

TOPIC: Response to Draft Special Education Funding Bill *dr req 18-0693 – draft 3.1*

DATE: February 1, 2018

VCSEA gave its full testimony on the UVM funding study earlier this month. In response to Draft Special Education Funding Bill *dr req 18-0693 – draft 3.1*, VCSEA restates or offers these additional comments at this time and will then take questions.

- Census-Based Funding Model: VCSEA strongly supports a transition to a census-based special education funding model with a two-tiered extraordinary cost reimbursement structure. This model will provide the **flexibility** that school districts need to focus resources on prevention-focused instructional systems such as MTSS) to support **all learners** while still and also provide financial safeguards and predictability around student programs with significant costs. A census-based model eliminates some primary issues with the current model, such as being financially penalized for grouping students with similar needs for services because of the reimbursement formula/rules). VCSEA supports a fully non-categorical funding mechanism with **100% of flexibility** given to districts.

- Development of an Implementation Committee: VCSEA supports the convening of a **multi-disciplinary stakeholder group to comprehensively address the rate of funding “step down.”** We have many questions about what appears to be a random step down that is presented and what the impact of this step-down would be for students. The funding study does not adequately analyze the impact of the recommended step down and offers no full explanation for a five year implementation plan. A multi-disciplinary implementation committee would address the following:
 - Development of a step down in funding contribution, informed by the impact of DMG implementation
 - Full analysis of the impact of a 2-tier extraordinary cost reimbursement model (the current recommendation represents a significant increase in the threshold that would have disproportionately large impacts in Vermont’s smallest school districts)

We think the concept of phase- in and referencing the DMG systems work is important. Without this our group has talked about ideas such as the census that either stays at FY18 or FY19 levels initially and doesn’t decrease or a very clear clarifier regarding increases in the yield that negate the effects of the potential tax increases. We have also talked about a calculation of census rate based on district by district spending given a purely

“average” spending amount ignores many variables that are beyond our control including: teacher and para-educator salaries in different regions in the state, transportation costs depending on your geographic location, internal capacity in serving students with a high level of need in rural districts.

- Maintenance of Effort: Significant reductions in funding could prompt cost-cutting that would cause schools to fail their Maintenance of Effort (MOE) requirements, placing federal dollars at risk. The funding study did not adequately address the implications of the reductions on federal MOE requirements as this could lead to a **significant reduction in federal funding**. Significant cuts in our federal and state funding without paying attention to the legal requirements for providing an appropriate education for students with disabilities will result in costs being shifted to general education.
- DMG recommendations must be implemented for better outcomes and eventual cost savings and this will take time: As both the DMG and UVM reports highlight, **any decrease in special education spending will only come with a shift in culture and practice in the way we serve all children**. Specifically, it will come about by implementing prevention-based first classroom instruction and Tier II intervention within general education. Providing students with disabilities more instruction by highly qualified staff and ensuring increased access to core first instruction within the general education environment is going to be a culture shift and a substantial undertaking for schools. Professional Development for classroom teachers will be crucial in this model. Pilot SUs/Districts are in good position for an “implementation phase,” but it will absolutely take 3 to 4 years with a high level of effort to make the culture and systemic changes necessary. The implications of the DMG study go well beyond special education. This is a full-system overhaul in the way we teach all students and we believe it will improve instruction and learning for *all* students.
- Legal Implications: VCSEA has significant concerns about **legal implications of this legislation** (ie creating a statewide body that has the potential to “overturn” the decision of a local IEP team) and given all the legal requirements in this area we believe it should be reviewed by a special education attorney and/or have a special education attorney on the Implementation Committee proposed above?