



## Vermont Developmental Disabilities Council

---

322 Industrial Lane  
Berlin, Vermont 05633-0206

(802) 828-1310  
[vtddc@vermont.gov](mailto:vtddc@vermont.gov)  
[www.ddc.vermont.gov](http://www.ddc.vermont.gov)

---

### REGARDING: H. 897 - An Act Relating to Enhancing the Effectiveness, Availability and Equity of Services to Students who Require Additional Support

---

March 22, 2018

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 of citizens and government officials charged with improving -- through public policy -- the supports and services for Vermonters who experience a developmental disability. Sixty percent of our Council are people with developmental disabilities or family members, providing us with the unique perspective of those with lived experience. Special education is one of the most critical service systems that impact our constituents.

I also want to share that I come to this issue with hard won personal experience. I have raised two sons with extensive special education needs. Both would have fallen into the category of extraordinary expense. Both are – or soon will be – college graduates. Full disclosure: I raised my family in one of our bi-state districts, the one that follows NH special education rules; but the experience of stigma, stress, and the need for constant parent advocacy is not bound by state lines.

As you have heard from professional associations and from Vermont Legal Aid, there are significant problems with the H. 897 as it is currently formulated. We agree with their assessment. The bill: (1) Overemphasizes cost savings; (2) fails to make plain the obligation that supervisory unions have to deliver services as described in each special education student's IEP regardless of funds available; and (3) falls short of providing the resources and time necessary to effect important changes in school culture. I will not review further these points which have been well articulated by others.

What I would like to comment on is the opportunity that H. 897 affords if substantially revised. The best practices identified by District Management Group would be transformational if implemented state wide. In fact, in preparing its current Five-Year State Plan the VTDDC identified as a serious concern Vermont's failure to achieve statewide implementation of

Positive Behavior Support (PBIS) and a reduction in the percentage of time students with disabilities spend in segregated classrooms or out-of-district placements.

Let's start with PBIS. According to the technical assistance website for Vermont, 170 schools have adopted these practices at some level. While that might sound compelling, it represents 53.5% of all schools in the state, or roughly half. Once VTPBIS schools implement Universal practices with fidelity, they begin to develop additional high-quality Targeted and Intensive systems and interventions to support students with greater needs. VTPBIS reports that in 2017, 45% of PBIS schools have been trained to implement Targeted Level PBIS interventions and 27% have been trained to implement individualized interventions at the Intensive Level. In other words, 27% of roughly half of Vermont schools have achieved PBIS at its highest level of implementation. Vermont began rolling out PBIS in 2007 so this would be approximately 46 schools – or 14.5% of all Vermont schools -- over a period of 11 years that have achieved the full range of PBIS programming.

In the House Education Committee much was made of the fact that within the special education population, Vermont has a very high rate of students coded for “emotional disturbance.” There are probably multiple drivers behind this single data point, but in a state where only half the schools have a PBIS program, I don't find this pattern surprising.

Now I would like to turn to the question of inclusion, which the Agency of Education tracks as the percentage of the school day that students with IEP's are in the general education classroom. When VTDDC developed its State Plan, we were surprised to learn that roughly a quarter of special education students spend at least 20% of their day outside the general education classroom. These placements range from attending a study session in the resource room to residential placements. Collectively this data points to what other studies have confirmed -- that students with special education needs are missing critical instruction, delivered by highly qualified teachers alongside their peers who do not have disabilities.

Professor Kolbe shared some data about the outcomes for student receiving special education earlier this session. Overall, Vermont students with IEP's perform at roughly the national average, and somewhat below the average in the neighboring states of MA and NH. The VTDDC believes that in a state where children in general perform well above the national norm in math and reading, mediocre performance by special education students is unacceptable.

To conclude, we share the concerns of Legal Aid and others that the practice changes contemplated by H 897 are under-represented in the bill itself and under-resourced. Vermont has a history of deferring to local preference when implementing best practices. I ask you, if you knew of an intervention that was evidence-based and widely used, would you allow some hospitals to deny that care? You would not.

The interventions described in the DRG report are basic, evidence-based, and cost effecting. They are practices that Vermont desperately needs so that students with disabilities to go on to lead productive lives of their own choosing in the community. While I can only speak to the disability of autism, I want to emphasize the 90% of the incremental lifetime costs of someone

with this significant disability lies in adult services. We urge the Committee to slow down and consider ways to realign the bill toward necessary changes in educational practice.