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Agency of Education Recommendations for Language Changes to H.897

Testimony to Senate Education, 4/3/2018

Agency of Education; Emily Byrne and Karin Edwards

Request: Language recommendation that strengthens the requirements of H.897 to ensure that SU/SDs use these funds first and foremost to provide services to students with IEPs.

Notes:

1. The individuals with disabilities Education Act (IDEA) has very strict rules and guidelines around the provision of a Free and Appropriate Education to Students on IEPs.
 - a. There are significant requirements of the Agency to ensure that the requirements of IDEA are implemented and followed by SUs.
 - b. Regardless of the change in the state law, SUs and AOE are required to ensure that IDEA is followed. (see General Supervision requirements under IDEA handout)
2. The Agency does not believe that including a threshold outlined in statute is appropriate. This may send the wrong message to SUs that ONLY 30% needs to be spent on SpEd.
3. The Agency does not think that the first dollar language that was presented is appropriate. By including this language it intimates that schools will need to track accordingly, rules will need to be adopted, and the Agency will need to monitor accordingly. This would not necessarily achieve the broad goals in simplifying the administration of special education in order to focus on service delivery to students.

Recommendation: The language has been drafted to address the Senate's request. Rather than add a new section, the Agency recommends adding language that clearly indicates that the goal of this funding change is to provide funding to SUs so that they can provide the services per IEPs.

Section 2/2

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(b)(2) The General Assembly recognized that students on individualized education program under the individuals with disabilities Education Act, 20 U.S.C. § 1401 et. seq., are entitled, under federal law, to a free and appropriate public education in the least restrictive requirement in accordance with an individual education program. The changes to the State funding for special education and the delivery of special education services as envisioned under this act are intended to facilitate the exercise of this entitlement.

Section 4/3

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§ 2941. POLICY AND PURPOSE

It is the policy of the State to ensure equal educational opportunities for all children in Vermont. This means that children with disabilities are entitled to receive a free and appropriate public education. ~~It is further the policy of the State to pay 60 percent of the statewide costs expended by public education for children with disabilities.~~ The purpose of this chapter is to enable the Agency to ensure the provision of the special educational facilities and instruction services and supports in accordance with individual education programs necessary to meet the needs of children with disabilities.

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§ 2961.

(a)(4) “Supplemental grant adjustment” means an increase, as determined by the State Board of Education rules, to the amount of the census grant provided to a Supervisory Union on account of the supervisory union’s relatively higher costs in supporting students who require additional support due to the number of these students or the nature of the services required.

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(c)(2) Each supervisory union shall expend whatever funds necessary to administer special education and to meet all of the requirements outlined in individual education programs, during the fiscal year for which the census block grant was made, not less than 30 percent of its census grant to implement individualized education program for students with disabilities. The State board shall adopt rules that require supervisory unions to demonstrate compliance with this requirement address how supervisory unions will carry out general supervision responsibilities and compliance with Individual with Disabilities Education Act.

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§ 2962.

(3) The State Board of Education shall define allowable Special Education expenditures that shall include any expenditures required under federal law in order to fully implement individual education programs of eligible students and any costs of mediation conducted by a mediator who is approved by the Secretary.

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§2967.

(a) ~~On or before December 15, the Secretary shall publish an estimate, by supervisory union, and its member districts to the extent they anticipate reimbursable of their anticipated the special education census grant under pursuant to this chapter, of the amount of state assistance necessary to fully fund sections 2961 through 2963 of this title in for the ensuing school year.~~