



March 22, 2018

Testimony to the Senate Education Committee re: H. 897 - An Act Relating to Enhancing the Effectiveness, Availability, and Equity of Services to Students Who Require Additional Support

Presented by: Karen Price, Director of Family Support, Vermont Family Network.

Thank you for the opportunity to speak with you today. I am a parent of a child with a disability who has been on an Individualized Education Program (IEP) for his entire school experience. I also work at the Vermont Family Network (VFN). VFN is the Parent Training and Information (PTI) Center in Vermont and we have been supporting families for more than 25 years. PTIs exist in every state and are required by the IDEA (Individuals with Disabilities Education Act). VFN Family Support Consultants are skilled parents of children with disabilities who support families in accessing services for their children in the school and in the community. As required by the IDEA, VFN provides parents with information and resources to help them advocate for the provision of a Free and Appropriate Public Education in the Least Restrictive Environment to which their children are entitled. To achieve the IDEA expectations of a PTI, VFN operates a statewide telephone helpline, provides in-person support to families, and occasionally attends school meetings with parents. VFN also provides written materials and conducts training on a broad range of topics of interest to families and professionals who work with children with disabilities.

Parents contact us when they have concerns and questions about their child in school. Special education laws and regulations can be very confusing for parents who are already overwhelmed with the daily challenges involved in raising a child with a disability. In 2017, we had over 3800 contacts with parents and another 700 with professionals who call on behalf of families.

With this background information in hand, VFN offers the following comments related to the proposed legislation. We welcome increased funding flexibility if it results in improved education practices that can provide greater inclusion. But we are concerned that not enough dollars are available under the proposed change in funding to provide the special education services that our children with disabilities are legally entitled to under IDEA. By definition, special education services are specially designed instruction that cannot be provided within the school's standard instructional conditions to meet the unique needs of an eligible child with a disability. The services must be delivered in an educational placement which affords the child maximum opportunity to learn with typically-developing peers. I am concerned that there is a belief that Multi-Tiered System of Supports (MTSS) and/or group-delivered services will magically provide for the vast majority of students with disabilities. Many children need one-on-one services. A child who has articulation issues or apraxia of speech may require intensive speech services sessions with a speech and language therapist in a quiet environment. A child with a severe learning disability may need a highly specialized reading program delivered by a reading specialist. A child with severe behavioral needs might require a 20-page behavior plan that has to be administered and monitored by a behavior specialist. I fear that this well-intentioned plan to enhance opportunities for "all" students will, in reality, happen at the expense of the minority of our most vulnerable students with disabilities; this is the tyranny of the majority.

According to IDEA, schools cannot give budgetary restraints as a reason for refusing or reducing services to eligible children with disabilities, however it is not uncommon for cost to appear to be the behind-the-scenes driver of decisions regarding a child's educational plan. As a result, we have seen schools remove services without giving parents sound reasons. One scenario we often see is the removal of a child's one-on-one para educator or a removal of direct services by professionals such as occupational or physical therapists and replaced with a "consultative" or indirect model. We have seen schools delay initiating a special education evaluation, telling parents their children are too smart and will never qualify. We have seen schools cutting corners in the special education process, and thereby denying children with disabilities their due process. We have seen schools delay placing children in educational placements that might be more costly, insisting that a school-provided program is appropriate when it is not, causing children to fail over and over again. Sometimes children with extreme needs and in crisis receive no education for weeks, or even months. When skilled supports are not available and students cannot be at school, families can be put in the position of jeopardizing their employment and ultimately their family's stability and well-being.

In the special education process, the IEP team that determines appropriate services to a child includes the parent as an equal member. In reality, we hear daily from parents who do not feel included in the process. They feel that their voices are not heard when decisions are made about their children. Parents often have to vigorously advocate for even the most basic special education services. When there is a disagreement in an IEP meeting, the local education agency (LEA) makes the decision. The parent then has the right to engage in dispute resolution over the specifics of the disagreement. This could take the form of filing an administrative complaint, mediation or due process. However, because schools have access to attorneys that most parents do not, many parents are not able to use the dispute resolution process as it was intended. Parents lack the money to retain an attorney and often, the energy to fight the school. Disability Law Project (DLP) does not have the resources to provide the level of legal assistance parents need. Parents, in truth, are less "equal" members of the IEP team than are school professionals. Parents are at a disadvantage and we cannot put the burden of policing their children's IEPs on them.

VFN reached out to our counterpart in NJ, where census-based block funding has been in place for ten years. Some of their experiences highlight areas that Vermont should also be watching. The first is that census based funding assumes an equal distribution of identified children. The percentage in NJ has ranged from 8% to 40%. We need to acknowledge that there are variations among VT school districts that could also result in a wide spread. Secondly, capping state special education dollars does not necessarily result in decreased costs. Special education expenses and rates of identification have not dropped in NJ over these ten years. The costs of special education have merely shifted to the local levels. NJ has one of the highest rates of local taxes in the country. In one example, a school district discontinued bus services to all children in order to fund special education services for one child. This is not conducive to good community building.

I ask that parent voices be meaningfully included in the process however it proceeds. I ask that the proposed advisory group solicit parental input to assure greater accountability. What data will be collected to show our children with disabilities will not be harmed? I have little confidence in our State Agency of Education's capacity to monitor the wellbeing of our most vulnerable students. Will Vermont's measure of success be in how few dollars are expended? In NJ and MA, special education advisory groups that include parents are required at the school district level. This has helped parents to work more closely with schools for better outcomes for children. This safeguard is not currently a requirement in Vermont. It is our hope that the input of families of children with disabilities will be integral to any decision made regarding special education delivery.