



**VCSEA Testimony: Proposed Language in the Miscellaneous Education Bill (Draft 4.1 of 2/24/2017) and Act 46 Modifications Addressing the State Board of Education**

**The proposed language in the Miscellaneous Ed bill under Section 164. STATE BOARD; GENERAL POWERS AND DUTIES is not supported by VCSEA.**

**We are in support of the State Board of Education's role with regard to their rule making authority.** We believe that existing legislative and executive checks and balances are adequate protections against any State Board of Education overreach and that the SBE plays a critical role with respect to educational rulemaking, and support and guidance to the Agency of Education including recommendations to the governor regarding the appointment of the Secretary of Education.

VCSEA also acknowledges the difficulties the State Board of Education faced in framing the rules.

**The rights and needs of students with disabilities and their families is central to the work of the State Board of Education in framing the proposed changes to the regulations governing independent schools.** Forty-five years ago, the defining legislation regarding the right to public education for all students with disabilities was passed at the federal level. This law was passed, in no small part because of the committed advocacy of then Representative Jim Jeffords and Senator Robert Stafford of Vermont. Their commitment to equal educational access and to a free, appropriate public education for all students with disabilities was passionate and enduring at a time when two to three million students with disabilities were excluded from public schools solely because of their identified disabilities.

**We are concerned that the needs of students with disabilities are taking a back seat to increasingly polarized political discourse regarding the State Board of Education's role in rulemaking.** Consistent with current Federal and Vermont law children of public school age with disabilities are entitled to equal access to schools, independent or public, if supported with public funds.

**In the absence of the voice of parents whose children have not been granted admission or who have had to leave the independent schools VCSEA must continue to represent these children and their families. These families, in the interest of protecting their children from public identification and/or embarrassment, are no less worthy of voice.** Collaboration between independent schools, local districts, parents and AOE regarding admissions and retention of students can only serve all our children well.

**We continue to believe that Vermont independent schools play an important role within Vermont's educational landscape.** We also believe that many are serving many students with

disabilities effectively. The circumstances that interfere with this effective service must be addressed in the interest of struggling students and families.

We recognize the difference between specialized schools and those with a general education purpose, and believe these distinctions can be addressed through the stakeholder conversations initiated by the State Board of Education.

We agree with the shared public commitment of Governors Scott and Shumlin released on November 17, 2016 that, "At this time of national discord, Vermont can present a united voice urging compassion, commitment to community, and fierce dedication to equal rights and justice. The example we set for the nation can help guide us forward through this turbulent time."

**VCSEA believes that in Vermont we are at a crossroads with respect to whether public education dollars can continue to be spent in some independent schools where a broad range of students with disabilities are not necessarily considered for admission or are sometimes "counseled out" when the behavior or academic skills of these students do not meet the school's mission.** The absence of comprehensive data from the independent schools regarding special education admissions processes, retention and discipline hobbles the ability of AOE to fairly assess the work of the independent schools with students with disabilities or those who are suspected of having a disability. Collaboration between the independent schools, the AOE and the Local Education Agency regarding admissions and retention of students and data collection and analysis can only help serve all our children better.

**The Local Education Agency remains the legally responsible entity regarding students with disabilities in whatever school the student attends whether public, independent or hospital or residential facility.** The special education administrator serves as legally designated Local Education Agency Representative on behalf of all students with disabilities within the Supervisory District or Union unless otherwise specified. The voice of special education administrators is critical to the work moving forward.

We all have work to do on behalf of all of children and all children will be better served by doing this work together. Thank you for your attention to these concerns.

Jo-Anne Unruh, Ph.D.  
Executive Director, VCSEA  
junruh@vcsea.net