



**VCSEA Testimony: Proposed Revisions to State Board of Education Rules 2200 Series
Vermont Senate Education Committee
1/11/17**

The following comments concern students from school choice towns who, as a result of parent choice, are placed in independent schools with public tuition dollars. These comments do not directly concern students who are parentally placed and parentally funded, nor those students who are placed by public schools in specialized independent schools that are specifically designed to serve only students with complex and/or challenging disabilities.

VCSEA is in support of a range of educational options for Vermont families; independent schools have a long history in serving many students well. VCSEA recognizes that a number of independent schools (though not all) do have enrollment practices that result in effective services to a full range of students with disabilities. VCSEA believes that when public dollars are used in support of a student attending an independent school, the right to attend that independent school must be made available to all students who apply as publicly funded students. Like publicly-funded charter schools, independent schools receiving public dollars should be held to the same non-discrimination policies as their public counterparts.

Non-discrimination with respect to disability status is a fundamental civil right within our national and state educational frameworks. We believe that Vermont's educational vision and mission must include students with disabilities, and that a community is strengthened through embracing diversity with respect to all protected classes of students. Protection against discrimination should apply to any school in Vermont that is a recipient of public tuition dollars. VCSEA is committed to statutory language that requires independent schools that receive public funds to be ready to plan for all applicable disability categories, when those students enroll.

Children with disabilities are sometimes refused admission, or asked to leave an independent school in Vermont as well because the school is not prepared to continue to serve that child. In some cases families and resident districts then have difficulty in find a school that will serve their child, and the child may be losing a peer group he/she had for years. These are difficult situations for families, and these are not families that are likely to speak in a public forum such as this one.

Public schools do serve the overwhelming majority of their student with disabilities within the local school district. However, sometimes children with complex and intensive needs are served in specialized programs that provide the services and supports needed for a period of time. The IEP Team works with the family to locate and continue to support the students within that placement.

A comprehensive system of supports, mandated in Vermont statute as an Education Support System, needs to be in place for students enrolled in independent schools that receive public tuition dollars. In such a system students are provided support and accommodations and services as soon as a need is identified rather than waiting for failure.

The Local Education Agency (Supervisory District or Supervisory Union) bears statutory and financial responsibility for the education of students with disabilities who are enrolled with public funds in independent schools. The involvement of the LEA Representative or Special Education Administrator is therefore critical in all decision making with regard to the provision of special education services. This is particularly important in the case of disagreements because accountability lies with the Local Education Agency (LEA) and not the independent school; if an independent school does not deliver the services identified in that student's IEP the public-school district bears responsibility and is liable if a dispute about services provision goes to due process hearing. The public-school district also bears overall educational responsibility even though it is without involvement in staff hiring, supervision or professional development. Clear delineation of the responsibilities of the independent school, the LEA and the Agency of Education must be identified in the proposed State Board rules.

Quality of services is critical to positive outcomes. Licensed teachers with an endorsement in special education are essential to the provision of appropriate services to students with identified disabilities. Related services personnel such as Occupational and Physical Therapists, Speech-Language Pathologists and Clinical and School Psychologists must be appropriately licensed. An IEP Team cannot place a child with a disability in an independent school at public expense if the school is not approved to serve children with that disability. VCSEA applauds those independent schools that serve all students with disabilities with appropriately certified special education and related services personnel. Collaborative efforts between school districts and such independent school are evident in many places in Vermont.

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