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RUPERT
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TACONIC & GREEN RSD
UNION DISTRICT #23
UNION DISTRICT #47
WINHALL

27 February 2018

Dear Members of the Vermont Senate Education Committee:

My name is Randi Kulis, I am the Assistant Superintendent for Student Services at the Bennington-Rutland Supervisory Union, and I appreciate the opportunity to speak with you today regarding the revision of Draft Bill S.229 -- An act relating to State Board of Education approval of independent schools. You have heard testimony from VCSEA and Independent Schools. I am adding the perspective of a current administrator who works with multiple general education and special education independent schools for your consideration as you continue fine tuning an important bill with significant implications for all stakeholders.

I am sharing feedback and recommendations pertaining to specific language in the draft bill. I am also providing you with input on other key aspects of the proposed bill for your consideration.

- Page 3, line 1-3; Page 7, line 1: An IEP team, including school representatives, make the placement decision (federal and state law require this); only in a dispute within the IEP team that is not able to be reconciled does the LEA make the unilateral decision (per federal and state law)
- Page 7, line 5: Is the term "tuition" referencing general education tuition or special education excess costs, or tuition for a special education only independent school? This should be clarified so there is no room for misinterpretation
- Page 8, Section 2B must be rewritten should the Special Education Funding model change to align with the new formula. In the absence of taking this action, any students attending public schools within the LEA will receive less funding than students attending independent schools funded by the LEA;
 - The proposed census block grant provides for special education funding based on an SUs Annual Daily Membership
 - It would follow that an LEA who offers school choice for its students, which is valued by the communities where there is choice and supports the independent schools within the community, that their funding for special education services would follow the same model; In the absence of this, there would be a prioritization of funding allocated to students attending independent schools over those students attending public schools, since the independent schools would not be asked to become a more proactive, preventative, efficient system and reduce spending, as the public schools are being asked to do
- Example: BRSU Extraordinary/High Spending Costs: FY17
 - 35 Students have costs > \$50,000
 - 26 students are all in grades 9-12 and we do not operate a high school. Today, we are required to reimburse all special education costs for educating our students, so we therefore do not have the ability to regulate the costs we are charged to educate these students.
 - 32 Students whose costs are between \$20,000-\$49,999
 - 28 students have school choice and 17/28 attend a non-specialized independent school

- Should the funding model change, these costs would take a disproportionate amount of money away from our public school students to subsidize unregulated secondary costs
- Example: Para costs billed to us versus our Para costs
 - BRSU average para costs ~\$32,000
 - For a full time paraeducator services, the BRSU is billed:
 - By independent schools: \$36,000; \$42,000; \$41,300
 - By public schools: \$31,500; \$33,300
- Current Legislative initiatives focus on “right sizing” our entire educational system, both structurally and financially; Given the role of independent schools in our state and specifically in our choice towns, it is important that they are included as a component part of the larger educational system; There must be a responsibility to ensure that laws passed during this legislative session do not contradict each other
 - Reducing educational costs cannot solely be a requirement for our public system. The same expectations for effectiveness and efficiency need to be in place for independent schools that accept public tax dollars
- Page 8, line 17: add “excess” prior to “cost rates;” I am not sure what the word “rate” refers to; there is not a “rate” other than a “tuition rate;” With the current funding formula, costs billed should be exact, based on specific services and not based on a “rate;” Every IEP is written based on the services a student needs, and cannot and should not be based on aggregated rates within a general education independent school.
- Page 11, Section B(d)(2): Concerns:
 - For LEAs with school choice, this means the possibility of servicing students across many schools and a large geographic region; Operationally, this is not feasible or practical; For the BRSU this would mean potentially servicing students in six different schools over a very large geographic region
 - There is a staff shortage and LEAs are challenged by this to the same extent as an independent school; there is no advantage to an LEA attempting to hire staff over an independent school
 - Is the suggestion that the LEA in which the school is located is responsible or the LEA where the student lives? If an LEA funds a student to attend an independent school, they would be the provider; If the parent unilaterally places a student, with no public funds being used to support their placement, the LEA where the school is located is responsible; This would lead to an independent school working with multiple LEAs, which many do already, but it would be enhanced and become more confusing for independent schools to also work with multiple service providers from multiple LEAs
 - Does this apply to all independent schools or only some? Is the expectation that schools that are currently staffed keep their staff, or would they potentially reduce their staff to put the responsibility directly on the LEA?
 - I recommend language requiring independent schools who currently have staff to keep these positions, and not be in a position to be able to terminate these employees in order to ask the LEA to absorb this responsibility
 - Recommend this be time bound to ensure the independent school has some incentive to work to secure staff
 - Currently, LEAs and independent schools in our region work together to find staff; partnership
 - IEPs are not only special education services; they also include related services staff (speech and language pathologists, occupational and physical therapists) and accommodations and program supports/modifications
 - If LEA staff are providing services at an independent school they also shoulder the responsibility of ensuring that general education teachers are providing the accommodations and program supports/modifications required by the IEP; I am

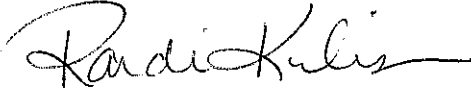
concerned that it is not beneficial to the independent school, LEA or students to have district/SU staff in independent schools monitoring the implementation of accommodations/program supports on a regular basis

- Partnership right now between LEA and independent school leaders works well; independent school general education and special education staff work with each other and the LEA is the consultant and has legal responsibility

The LEA is the legally designated accountable party. However, IDEA was not written with Vermont's choice system in mind. The decision for some Vermont communities to vote to allow their students to have choice of schools is valued and very positive for everyone. Living, working, and raising children in one of these communities, I am intimately aware of the opportunities this affords. The BRSU partners with our independent schools and work hard to build relationships, trust, and a mutual commitment to providing a solid education to all students. We aim to keep the focus on our students and not default to the letter of the law, but to partner in the spirit of the law, given our unique relationship.

You have an important responsibility as you thoughtfully work to rewrite this bill. I appreciate your interest in hearing my perspective as I work in this context every day. I welcome any questions you may have as you continue with this important work.

Respectfully submitted,

A handwritten signature in cursive script that reads "Randi Kulis". The signature is written in black ink and is positioned below the typed name.

Randi Kulis, MEd

Assistant Superintendent for Student Services, Bennington-Rutland Supervisory Union