

**Vermont Council of Special Education Administrators (VCSEA) Testimony - Act 166**  
**Traci Sawyers, VCSEA Executive Director**  
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**VCSEA Positions:**

- **VCSEA strongly believes Universal Pre Kindergarten (Pre-K) in Vermont should be a benefit all students can access, regardless of family income or situation. Equity and access to Vermont's universal Pre-K services are critical.**
- **With specific regard to this draft, VCSEA supports Secretaries Holcombe and Gobeille's Act 166 recommendation to have the Agency of Education (AOE) be the lead agency to administer the program and the elimination of joint rulemaking. There has been much frustration with the duplicative nature of regulations and procedures across AOE and AHS. There are continued issues that will still need to be resolved such as the requirement that public programs have a licensed teacher delivering instruction whereas private programs are only required to have a licensed teacher on site, regardless of the number of students served - and more.**
- **This bill is silent around special education. Assuring that children receive the services to which they are entitled, and from which they will benefit, and as early as possible should be a top priority. This is a critical and relevant point especially since the General Assembly is expressing tremendous interest in reducing special education costs within the PreK-12 education system and research that confirms that building social, emotional, behavioral and literacy skills in young children is critical and can offset higher special education costs later in a child's life.**
- **Under Act 166, students with disabilities do not have access to the same programs available to their non-disabled peers because LEA's are only required to provide special education services (EEE - which provides special education and related services to meet children's individual needs) within the geographic boundary of their district but parents can access the Act 166/Pre-K tuition voucher outside of the district boundaries.**

**The proposed legislation fundamentally makes Act 166 a statewide choice system and negates the prospects for Pre-K regions (which VCSEA had previously advocated for) but are not as important at this point as many SUs have built their own Pre-K capacity. However, be aware that the problem of LEAs delivering special education services in private programs outside of their district boundaries has not been resolved and this will lead to due process complaints with expensive legal costs for SUs. There is also a continued concern about 504 plans (broad federal civil rights law that protects all individuals with a handicap) which could also lead to a civil action suit.**

- **The relationship between public schools and children/families is long-term and based on a system of continuity. The early childhood lens is often on 0-3, 0-5 or maybe 0-8 but schools have relationships with most of these children through all their transitions and stages of development until they reach the age of 18. Knowing a child (and having the child and parent know the school) as early as possible is a significant advantage in fully supporting that child and family at the earliest sign of need and across time. Striking Pre-K regions does take any reference to geographic boundaries completely out of Act 166.**
- **VCSEA asks that the committee receive estimates on the implication of the first 10 hours of Pre-K being paid for by a voucher instead of ADM as it is currently, as we have serious concerns about the potential for a loss of important funding for school-based Pre-K programs. We have seen initial calculations by school districts showing that the removal of ADM within the funding system will have a dramatic effect in increasing tax rates. This approach seems inconsistent with the State's interest in keeping tax rates and education spending as low as possible. We believe that ADM is an appropriate funding approach given that PreK has been integrated within the public school system - all other grades receive ADM and, ADM supports all services provided to all children.**

**VCSEA does support the provision that the district of residence gets the ADM count for additional hours over 10. This will build on and further the important work that has been taking place inside public schools since Act 166 was passed (and before) and will accelerate full day programs in schools where there is physical capacity, ability to access special ed services (EEE) and makes an early connection to the school and district that the child will be in until they reach adulthood. VCSEA has always been concerned that access to ten hours per week is insufficient to meet the needs of young children who require full day care. Working families who are struggling to make ends meet often can't afford to pay the difference in tuition so increased capacity for schools to provide full day services with ADM is critical so the voucher is not just a subsidy for families of means who would be accessing high quality early education regardless of Act. 166.**

- **We believe that children who receive early childhood special education services should be able to access a third year of Pre-K funding based on LEA/IEP team placement decisions.**
- **Beyond Act 166, as the legislature re-examines the special education funding formula, the lack of early special education funding should be addressed. Specifically, the UVM report highlights that in developing a census-based funding mechanism, the state could allocate funding based on either K-12 or PK-12 ADM. VCSEA supports the latter as it would effectively provide supervisory unions with addition funding for early intervention and special education for young children and again, is very important for addressing challenges and delays as early as possible and implementing the vision of the DMG report and beyond.**
- **Data on use of Pre-K vouchers should be collected by AOE and we want to make sure that data collected will also allow us to determine whether the state's investment is being accessed**

**by children and families contending with barriers associated with poverty, addiction, language, disability and geographic isolation as well as what is in the draft bill currently (programmatic details such as number of programs, quality criteria, school readiness data, etc.).**

**VCSEA Recommendations:**

- **Continue to address the inequity within our system with regard to hours of public Pre-K offered and special education within Vermont's universal Pre-K system.**
- **Schools should be able to use ADM for all hours of public school Pre-K.**
- **Data collection specifically on how the voucher is being accessed by children and families contending with barriers associated with poverty, addiction, language, disability and geographic isolation.**