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Testimony to the House Committee on Education re: H.140 – An Act Relating to the Advisory Council on Special Education

Given by:

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In reviewing the draft bill H.140 the Agency considered changes with two criteria in mind:

- Alignment with federal statutory requirements, and
- Ensuring that the council can continue in its federally defined advisory role.

Alignment with Federal Requirements

We understand that the purpose of the bill is to more closely align Vermont statute to the federal regulation. In order to accomplish that goal, the Agency recommends that the committee consider the following:

- Changing the name from Advisory Council on Special Education to align with federal terminology “State Advisory Panel” on Special Education (34 C.F.R. § 300.167).
- Changing the membership list to reflect the language in the federal regulations (34 C.F.R. § 300.168) including moving parents of children with disabilities (ages birth through 26) and individuals with disabilities to the top of the membership list.
 - Although a subtle change, moving parents to the top of the list provides a clear indication of the importance of their role on the panel versus being in the middle of the list as reflected in 16 V.S.A. § 2945 as well as in the current proposal.
 - List the special rule of majority above or immediately under the list of members and clarify that majority means at least half.
- Removing language regarding members not included in the federal regulations:
 - Remove two members of the General Assembly
 - Remove the member representing the federally designated parent training and information organization
 - Remove the additional member representative from the State protection and advocacy system
- Removing language related to the Secretary of Education and the State Board of Education and replace with federal language of “SEA” (34 C.F.R. § 300.169).
- Plurals in the federal law has been interpreted to mean one or more by the Office of Special Education Programs (OSEP) of US DOE. For this reason, the committee should consider stating how many total members the Advisory Panel will comprise.
 - The Agency recommends a total membership of 19.

- Larger membership will result in difficulty meeting the requirement that 51% of membership be comprised of parents/individuals with a disability.

Term Duration and Term Limits

The agency recommends that:

- Membership terms should begin July 1 of the year of appointment.
 - Changing term start from April 1 would ensure that member terms would fall within a single fiscal year (July 1 – June 30) as opposed to overlapping years as they do now.
- Terms should be limited to two (2) consecutive three (3) year terms.
 - Eliminates the possibility of indefinite representation in any given category.
 - Allows for rolling appointments and opportunity for new ideas to be integrated as educational practices change over time.

Renumeration for Participation

In addition, federal language does not address renumeration for participation on a State Advisory Panel, nor does it address the number of meetings required of this group. Due to the potential size of membership to meet the categorical requirements in federal statute, the Agency would ask that the committee consider addition of language to limit the number of meetings that are eligible for financial reimbursement to no more than two (2) per fiscal year.

Testimony respectfully submitted by:

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