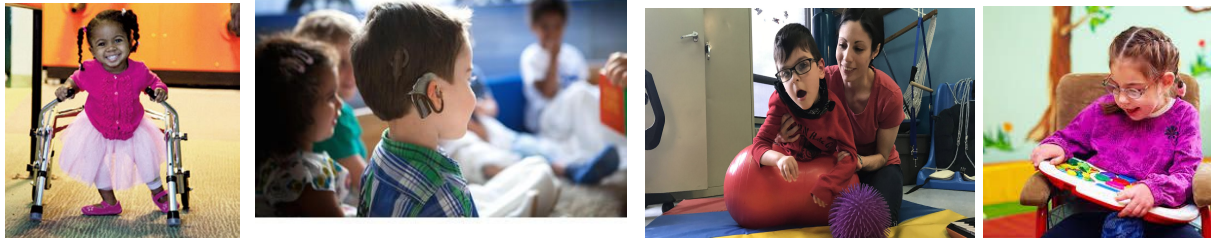


To: Vermont House Education Committee
From: Traci Sawyers, Executive Director, Vermont Council of Special Education Administrators (VCSEA)
Date: February 6, 2020
RE: Pre-K House Education Committee Bill



Currently under Act 166, children with disabilities do not have equitable access to universal Pre-K in Vermont. Given this, in the committee's current draft bill, VCSEA supports:

- Elimination of joint oversight as detailed in the bill.
- Joint rulemaking.
- The removal of the prequalified language.
- Uniform forms and processes with the ability to adapt as needed (eg. enrollment form).
- Removing 3 Stars and a plan.
- Moving towards the 10 hours of direct instruction in the classroom in private programs over three years.
- Expansion of public programs without AOE approval and notification of expansion of both public and private programs so SUs/SDs know what is available in the community.
- Providers that no longer qualify must notify respective agencies and partners.
- Enhanced monitoring.

VCSEA Primary Concern:

VCSEA wants to see special education portability and Free Appropriate Public Education (FAPE) addressed. A fundamental issue with Act 166 is that access is limited for children with disabilities and in some cases children are not receiving early special education services that can make a difference especially at that age. Non-discrimination with respect to disability status is a fundamental civil right. This protection should apply to any school or program in Vermont that is a recipient of public dollars, including community-based Pre-kindergarten programs. At the minimum, VCSEA would like to see this issue specifically addressed by adding language that acknowledges this and that commits to further review. We have some data from the Educational Development Center (EDC) and Regional Educational Laboratory

(REL) reports and that needs to be further examined. Specifically, children with disabilities and those from low income families are more likely to be in public schools or programs within their SU/SD. We need to further understand why this is.

Early childhood is a period of rapid development across physical, cognitive, social, and behavioral domains. Sometimes, however, this development follows an unexpected pattern, and children are diagnosed with a disability or delay. These children are protected primarily by two federal laws: the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

VCSEA's primary concern is that some families are saying no to IDEA/IEP services in order to use the publicly-funded Pre-K voucher outside of their SU/SD, and a critical time for these young learners to receive early intervention services. Further, IDEA requires that children be educated in the least restrictive environment (LRE) possible, given their individual needs. This means that they must have the opportunity to interact with, and be educated with, children who do not have disabilities, to the maximum extent appropriate. The Agency of Education has overarching responsibility for compliance with IDEA and the corresponding Vermont state regulations regarding the provision of FAPE for students with disabilities. Specifically, there is a requirement for public schools to enroll Pre-K students with IEPs in inclusive settings, which means no more than 50% of the class can have IEPs. What happens if public schools continue to enroll a disproportionate number of low income and special education students? The issue of balanced enrollment in a universal Pre-K program is critical and must be addressed in the light of the findings of the EDC/REL studies. Enforcement of 504 in private programs is also of significant concern.

Providing specialized services to children outside of the district will take additional resources. This would be in the form of allowing for more full day options in public schools with increased ADM aligned with the number of education service hours (which could appeal to all families, not just families with children with disabilities) and developing another mechanism for contracted services within private programs or in partnership with other SUs/SDs (could be modeled after proportionate share). There is currently no financial capacity to provide additional services outside of districts. The shortage of special educators must also be a consideration of any proposal that requires school staff to travel distances outside of the LEA in order to serve children with disabilities.

To promote the acceptance of diversity and inclusive practices, other states have declared an explicit policy of inclusivity. Nebraska's pre-k grant regulations declare that "All preschool age children, regardless of their abilities, disabilities, or the social, linguistic, or economic diversity of the children's families are eligible to be served with grant funds." West Virginia's regulations provide that "WV Pre-k classrooms shall ... be inclusive of all children." New Jersey's Pre-K regulations require district boards of education to "ensure the inclusion of children with disabilities in general education settings to the maximum extent possible. . ." This committee could also add that "the state of Vermont will further examine the issue of access to its publicly funded Pre-K system for children with disabilities."

A new Center for American Progress (CAP) report (*The Child Care Crisis Disproportionately*

Affects Children with Disabilities - 1/31/20) and analysis shows that parents of young children with disabilities experience severe child care challenges and consequences from not finding care. "The United States has failed to invest in child care for decades. Ableism—the intentional or unintentional discrimination against people with disabilities—further compounds the child care crisis. Nationwide, more than half of people live in child care deserts, or areas where the number of children under the age of 5 far outstrips the number of available child care slots. However, because many of those openings are in programs that are inaccessible to children with disabilities, the share of disabled children effectively living in child care deserts is likely higher.....This lack of investment in child care, coupled with poor oversight and enforcement of anti-discrimination laws designed to protect people with disabilities, mean that too many children are left out of care." This report goes on to say that policymakers and program leaders at all levels have neglected to implement practices and policies that would ensure care is truly accessible to all. As a result, children lose out on valuable education and early intervention services that help them thrive. This is also very related to Act 173 and if and how Vermont will provide services to struggling learners at the earliest opportunity.

Other concerns:

- Montessori certificate in place of Vermont teacher's license: There is no assurance of the same teaching proficiency and that it meets the same quality standards as an Early Childhood Education (ECE) licence. At minimum, this should be studied further before its included in a bill. A curriculum or philosophy is not a licensing standard.