



**TESTIMONY PROVIDED TO: Senate Education Committee**

**FROM: Traci Sawyers, Executive Director, Vermont Council of Special Education Administrators (VCSEA)**

**TOPIC: H.140 - An act relating to the Advisory Council on Special Education**

**DATE: March 26, 2019**

- 1) The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain an advisory panel for the purpose of advising the State special education staff regarding the education of eligible children with disabilities. Federal regulations (34 C.F.R. §300.169) define responsibilities for each state panel as follows:
  - Advise the SEA on unmet needs in the education of children with disabilities;
  - Comment publicly on any rules and regulations proposed by the State regarding the education of children with disabilities;
  - Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
  - Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
  - Advise the state in developing and implementing policies relating to coordination of services for children with disabilities.

The purpose of state councils are to seek meaningful input from parents, community partners, service providers, and school administrators on local issues relative to the provision of services and supports to students with IEPs and disabilities.

2) Vermont Statute, 16 V.S.A. §2945, created the Advisory Council on Special Education and appointments to this council are made by the Governor's Office with the advice from the Secretary of Education.

3) VCSEA's representative on this Advisory Group has been Mary Barton (Two Rivers SU) for many years.

4) VCSEA's understanding is that the intent of this bill was to update state law to mirror federal statutory requirements so Vermont will be in compliance with federal intent. The bill currently expands the membership of the advisory group beyond federal requirements. The duties in the House version do largely mirror federal law (main difference is the use of AOE and State Board instead of SEA). VCSEA supports both

sections mirroring the federal language. This is straightforward and categories are intentional.

5) This bill currently removes the cap of 19 members and adds additional members which could result in as many as 32 on the panel. This is a very large group and its structure is cumbersome as opposed to the federal language. VCSEA's concern is that this could be unwieldy and potentially change the balance of the advisory group beyond federal intent. Regulating the balance and having the intended members according to federal language is important and appropriate so it can function as a high quality advisory arm representing many voices.

6) In testimony to the House Education Committee, we learned that there are only three parents of children with disabilities or individuals with disabilities on the committee (again, the committee is currently capped at 19). This is already out of compliance with the federal requirement that "a majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26)" and having to further increase the number of these members in a group 32 will be an additional challenge. To meet federal intent, recruitment of these members should be a primary focus of this group moving forward.