



Milton Town School District

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To: Members of the House Education Committee

From: Amy Rex, Superintendent; Timothy Dunn, Director of Student Services; and Wilmer Chavarria, Director of Equity and Educational Support Systems

It is our understanding that the House Education Committee is taking testimony on ACT 173 which is scheduled to take effect on July 1, 2022. In part, ACT 173 outlines a change to Special Education funding, specifically, a change from a reimbursement model to a census block grant model.

We are requesting that this letter be entered into the written testimony of the House Education Committee for ACT 173 and posted on the Committee's website.

Section 2 (c) of ACT 173 directs the VT AOE to make a recommendation to the General Assembly ***on whether the amount of the census grant should be increased*** for supervisory unions that have relatively higher costs in supporting students who require additional support, and if so, the criteria for qualification for the adjustment and the manner in which the adjustment should be applied. We understand that this is forthcoming; however, without knowing the Secretary's recommendation, it is critical for us that you consider the impact that the current funding model and anticipated allocation has on the Milton Town School District. We urge the General Assembly to:

- 1.) Carefully review the impact that the current funding model of the Census Block Grant will have on the ability for districts categorized as having the highest need to provide a Free and Appropriate Public Education to students with disabilities and to provide equitable access to educational services to students who require additional support as defined by ACT 173.
- 2.) Take the steps necessary to ensure that the Census Block Grant is adjusted in accordance with District need and based on either of the two paths proposed by the 2019 Weighting Study Report (i.e.: increasing uniform base amounts or inflating student count based on poverty rates).
- 3.) Set the *criteria for qualification for the adjustment and the manner in which the adjustment should be applied* in conjunction with changes to Pupil Weighting or the adoption of "Cost Equity Payments" promptly and prior to requiring implementation under uncertain circumstances.

Impact

Given the present funding model of the Census Block Grant, the MTSD is targeted to receive 15% fewer dollars. Our estimated mainstream block grant and special education reimbursement was \$4,945,722 while our estimated Census grant allocation is \$4,215,354 or a loss of \$730,368 in revenue. This has significant impact:

- 1.) In order to meet our maintenance of effort and compensate for a decrease in revenue, our Education Spending has increased significantly. Historically, any slight increase in Education Spending in our district results in a failed budget. As a result, educational programming is compromised in an effort to reduce Education Spending.
- 2.) If every district receives the same allocation per pupil as outlined in the Census Block grant estimate, then districts with fewer students with disabilities will, in accordance with Act 173,

have a higher level of flexibility to support students who require additional support. The MTSD will not experience this assumed benefit of flexibility. Rather, as a district with a higher than state average of students with disabilities, many of whom have low prevalence disabilities (i.e. intellectual disabilities, Autism Spectrum, or multiple disabilities) thus requiring a higher service cost to access FAPE, the MTSD will not only have less flexibility to serve other students who may require additional support services, but we will annually struggle to meet our federally required Maintenance of Effort for students already identified with disabilities.

- 3.) The MTSD does not maintain a 'separate' program for students with low prevalence disabilities; we are recognized for providing FAPE in a fully inclusive program model that is the least restrictive. A Census Block grant that does not account for student need would eliminate our ability to fulfill the intent of the Individuals with Disabilities Education Act; it would not only be detrimental to the growth and dignity of students with low prevalence disabilities, but also to the progress of Vermont overall in terms of inclusion. This funding model without an increase for supervisory unions that have relatively higher costs in supporting students who require additional support will indeed jeopardize our legal responsibility to meet the need of the "I" or "Individual" in our Individualized Education Programs. The need to correct this issue within the Census Block grant is essential to ensure we are fulfilling the intent of the Individuals with Disabilities Education Act.

Responsible Legislative Action

The MTSD is imploring the General Assembly to take action that prevents inequities; that is, creating conditions that allow some districts to provide both a FAPE to students with disabilities and flexibility in serving students who require additional support while leaving other districts to struggle in providing a FAPE to students with disabilities and no flexibility in serving students who require additional support. Equity requires the targeted distribution of resources, rather than standardization, which assumes equal need and privilege for all students and families.

As both available reports point out, there exists more evidence than not that taking factors such as poverty into account to predict future incidence of special education needs is a valid endeavor. Even if the evidence was not compelling enough, at minimum, the state does not currently possess enough empirical evidence of the opposite. No one can claim with certainty that the census-based grant model alone is sufficient to fulfill the special education responsibilities of districts without irregular and disparate local burdens. Because of this lack of solid understanding, we do not believe that the state can, at this time, prudently determine that the decrease in funding for a district such as ours is in fact equitable, and that it will not disproportionately affect our students with the most need, as will be the case of several other districts in our state, mostly those serving the most vulnerable children and communities.

Although the MTSD appreciates the Education Committee's consideration for a 'financial glide path', this may actually distract from the General Assembly's ability to focus thoughtfully on a long term grant implementation plan that is robust, evidence-based, and equitable. In order to preserve program integrity and community trust, a delay in the implementation of the Census Block grant for one more year is warranted.

The delay would allow the General Assembly ample time to make a final decision on Pupil Weighting and consider the Census Block grant criteria in conjunction with Pupil Weights as recommended by the 2019 Study, or "Cost Equity Payments" as presented in the most current report. Section IX of the recently released "Task Force on the Implementation of the Pupil Weighting Factors Report" recommends that, in considering transitioning to new weights and categorical aid, changes phase in over a 5-year period, but that "if a change in formula will lead to large impacts on districts, a longer transition should be considered" (p. 27). While not referring to special education funding specifically, we believe the same principle to be applicable, and request that this recommendation by the taskforce be honored in this case as well.

On behalf of the MTSD, we acknowledge the challenges the General Assembly faces to ensure an equitable, transparent and evidence-based approach to a Census Block grant. In addition, we appreciate your dedication and service to all Vermont children and especially vulnerable populations. Finally, we thank you for considering our testimony and specifically a one year delay in the Census Block grant, so that we can all ensure that our students are provided with the resources they need and deserve to learn and grow.

Sincerely,

Amy Rex, Superintendent

Timothy Dunn, Director of Student Services

Wilmer Chavarria, Director of Equity and Education Support Systems