



January 19, 2022

Testimony to the House Education Committee re: Special Education Rules 2360

Written by Karen Price, Co-Director of Vermont Family Network Family Support, Parent Training and Information Center Director

Thank you so much for inviting Vermont Family Network (VFN) to testify today on Special Education Rules 2360. VFN is the federally designated Parent Training and Information (PTI) Center in Vermont. PTIs are required by the Individuals with Disabilities Education Act (IDEA) and exist in every state. We have been supporting families for more than 30 years! VFN Family Support Consultants are skilled parents of children with disabilities who support families in accessing services for their children in the school and in the community. As required by the IDEA, VFN provides parents with information and resources to help them advocate for the provision of a Free and Appropriate Public Education in the Least Restrictive Environment to which their children are entitled. To achieve the IDEA expectations of a PTI, VFN operates a statewide telephone helpline, provides in-person (virtual) support to families, and occasionally attends school meetings with parents. VFN also provides written materials and conducts training on a broad range of topics of interest to families and professionals who work with children and youth with disabilities and special health needs.

Parents contact us when they have concerns and questions about their student, from early learning through transition to adulthood. Special education laws and regulations can be very confusing for parents who are already overwhelmed with the daily challenges involved in raising a child with a disability. In 2021, we had over 4000 contacts with parents and another approximately 1000 contacts with professionals who called on behalf of families.

With this background information before you, VFN offers the following comments related to the timeline of the changes to Vermont's Special Education Rules, 2360, that were approved last year through the Rule Making Process. I have no comment on the Rule 1300 timeline. We understand that this committee is considering several types of delays regarding Act 173, and we urge that the 2360 Rules not be delayed.

Specifically, VFN opposes any delay of the new Rules regarding adverse effect (in two disabilities) and specific learning disabilities. These new Rules are necessary changes to implement Act 173 as they serve to “enhance the effectiveness, availability, and *equity* of services provided to all students who require additional support in Vermont’s school districts.” We recognize that educators continue to work valiantly under exceptionally stressful pandemic conditions, and we are truly grateful for their hard work and dedication. But I am here today to bring awareness of the children and youth with disabilities who have not had and continue not to have their needs met because of the definition of adverse effect as currently operationalized in the Vermont Special Education Rules. The approved changes that families and supporters have been advocating for for close to ten years were passed, in part to more closely align with the federal requirement that to establish special education eligibility, the Evaluation Planning Team’s (EPT) main focus would be the actual specialized instruction a student needs to meet their disability-related needs, rather than deciphering if the adverse effect gate has been met. This change has the potential to simplify the eligibility process. In conformance with federal language, the Rule changes will also not exclude children with functional deficits from being found eligible for special education. The new Rules add functional skills to the basic skill area, which currently only lists academic skills.

Functional skills are defined as the essential and critical skills needed for a child with disabilities to learn specific daily living, personal, social, and employment skills or the skills needed to increase performance and independence at work, in school, in the home, in the community, for leisure time, and for post-secondary and other life-long opportunities.

Under the new Rules regarding specific learning disabilities, districts will no longer use the discrepancy model for eligibility but instead determine whether the student responds to scientific, research-based intervention. Response to Intervention (RTI) and Multi-Tiered Systems of Supports (MTSS) have been part of the education landscape long before the pandemic. If professional development has been slow getting off the ground, that is not a conscionable reason to delay services to children with disabilities.

While you have been hearing compelling testimony about the pressure and burnout experienced by educators and school administrators during the pandemic, please remember many students are struggling mightily, as well. Throughout this Covid crisis, the most vulnerable children, those with disabilities, have lost out more than ever. The present Rules have caused many children in desperate need of support to fall through the cracks. Further delay of the new Rules will penalize them further. We implore you: Please make the right choice, one informed by many family voices.

Prioritize the needs of some of our state's most vulnerable and implement the 2360 Rules in their original timeframe. Our families are counting on you.

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