

From: Cynthia Gardner-Morse <teach.vt2read@gmail.com>

Sent: Wednesday, March 16, 2022 12:43 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] Remove Special Education Rule delay from H.716

[External]

Dear Chair Brian Campion and Senate Education Committee Members,

We are concerned about the effect on children if H.716 (House Miscellaneous Bill) passes as currently written. The second part of H.716 will delay the implementation of the changes to Special Education Rules currently scheduled to take effect on July 1, 2022.

Missing in the House Education Committee discussion about delaying the special education rule changes is the harm for children with disabilities and their families. The [COVID-19 pandemic](#) has disproportionately affected children with disabilities.

The steps to making the Rule changes involved hours of testimony and discussion over years. They were carefully considered. The Agency of Education (AOE) has been posting Rule Change training modules (including specific case studies to review) since last year. The AOE is prepared to help teachers who want support. We don't see how more time will be helpful, especially when balanced against the harm to Vermont's children.

Please see the attached PDF document which discusses the impact of delaying the changes to the special education rules on children with disabilities and their families.

Please remove the second section of this bill: stop the delay in the new special education rules from H.716.

Thank you for considering this.

We are available if the committee would like any additional information or testimony.

Respectfully,

Cynthia Gardner-Morse, M.Ed. and Mack Gardner-Morse

teach.vt2read@gmail.com

(802) 223-5738 (home landline - no texts)

(802) 829-1552 (cell)

From: Brittany Lovejoy <mjrjp@hotmail.com>

Sent: Wednesday, March 16, 2022 4:38 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] H.716

[External]

Good Morning Senate Education Committee,

My name is Brittany Lovejoy. I'm a former Special Educator and mother of four children. I'm writing to ask you to please remove the delay in the new special education rules from H. 716, specifically around adverse effect. I've waited a year for adverse effect to be lifted to get my son services. If this gets further delayed, then he would be waiting another year (perhaps creating a five-year reading gap!). The school district said that he was fine because his classroom grades looked good; however, an evaluation from 6th grade showed that he was reading on a 3rd-grade level. He was three years behind; and the school district used the existing adverse effect rule to deny him services. He's now in 7th grade and has continued to go without services. He go through 8th grade without services if you delay this rule. Imagine going into 9th grade at a unremediated 3rd grade reading level? If you approve this delay then you will also be responsible in failing him (and other children with needs that adverse effect harms).

Adverse effect doesn't align with the federal laws, and it limits qualifying students for interventions. Parents don't have the means to fight this state law and I'm relying on your help so that our children do not remain stagnant and delayed. Please help me advocate for my son this year by voting "**NO**" to **delay the House Education Committee's Miscellaneous Education Bill (H.716)**. Why let his literacy gap get larger? Basically by approving this law you would be allowing the school system to fail many children for another year. Waiting will harm children who need help now and they may never be able to get back another year! It's a domino effect on their education. Truly this is not only academically harming children, but it emotionally harms them as well.

As a former special educator, I can tell you that the paperwork process of Adverse Effect takes extra time. You would be saving time in the long run. The changes were passed because it was clear we needed to change this law - why delay something that will continue to harm our children who need help now? **Please remove the second part of H. 716 and allow the Special Education Rule changes to take effect as planned on July 1, 2022.**

If you have questions and would like an oral testimony, please let me know and I will make myself available for you.

Respectfully Submitted,
Brittany Lovejoy M.Ed
Montgomery VT

From: Melissa King <rise@kingfisherlearning.com>
Sent: Wednesday, March 16, 2022 7:04 AM
To: Andrew Perchlik <APerchlik@leg.state.vt.us>
Cc: Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>
Subject: [External] Re: Bill number (H.716) from Melissa King from Underhill, VT

[External]

Good morning,

I have been working in the field of special education, teaching and evaluating in public and private settings, for 30+ years, and I am glad that the Miscellaneous Education Bill (H.716) is being addressed today, but please do not delay! Adverse effect and the Discrepancy model for the identification of *specific learning disabilities* has been proven to be an invalid and unfair manner in which children are identified for special education services. (See Mather, N., & Gregg, N. (2006). Specific learning disabilities: Clarifying, not eliminating, a construct. *Professional Psychology: Research and Practice*, 37(1), 99–106. <https://doi.org/10.1037/0735-7028.37.1.99>)

As I write this, I have five - that's right - five - Independent Educational Evaluations I am involved with that will be paid for by the school districts who have done a poor job of identifying not only *who* is in need of special education, but *what* evidence-based practices are appropriate. (Thanks to a poor model of special education eligibility and a paucity of literacy training for elementary school teachers).

There is a need for an overhaul in the way special education eligibility is determined, and not delaying on this issue of adverse effect and use of the antiquated and invalid practice of the discrepancy model is a way to start. To be clear, it cannot be replaced with another illogical method of doling out services. I'd be happy to speak with any of you on this matter if it would be beneficial.

Thank you for considering this email, and I hope you have a good day.

Sincerely,

Melissa M. King, M.Ed.
Learning Specialist &
Licensed VT Special Educator
Kingfisher Learning, Inc.
15 Brickyard Road, Ste. 1
Essex Junction, VT 05452
(802) 557-0697
www.kingfisherlearning.com

From: Jeff Leake <jdainvt@gmail.com>

Sent: Wednesday, March 16, 2022 7:51 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] H.716

[External]

Dear Senate Education Committee,

My wife and I would like to ask the committee to **remove the second part of H.716 and to allow the Special Education Rule changes to take effect as planned on July 1, 2022.** H.716 would delay the changes to Special Education Rules including delaying/eradicating Adverse effects for another year. Adverse effect and the Discrepancy model for the identification of *specific learning disabilities* harms children (the children whom we love). We know how hard teachers are working and realized that is easy to want to delay this change for another year. But our most valuable children have had a big setback over the past 2 years, and some can't wait for another year in being denied services due to the Adverse effect rule.

With gratitude,

Jeffrey K. Leake
Susan Dianna Ivey
257 Birch Hill Rd.
Shaftsbury, VT

From: Katie Lane-Karnas <katie.lanekarnas@gmail.com>

Sent: Wednesday, March 16, 2022 8:01 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] Adverse Effect rules change (H.716)

[External]

Hello Senate Education Committee,

I'm emailing to share my experience and ask that the second part of H.716 be removed so the special education rule changes take effect as planned on July 1, 2022.

I'm mom to a kiddo with a print disability and visual impairment, and a licensed teacher in Vermont. Our family has watched local friends' experiences with the "adverse effect" or "wait to fail" criteria in Vermont IEP process that prevented their children from easily accessing special education, and eventually we also had to weigh whether or not to seek federally-due evaluation for our child because we would have to work to present her as enough of a failure to warrant help. It is a ridiculous fine line to walk, and thank goodness Vermont legislature already recognized that the criteria is not in compliance with federal IDEA law.

The initial time I watched the impact of the adverse affect requirement was on the kindergarten exuberant little boy of a good teacher friend of mine. My friend is a talented early childhood educator, and as her son showed more and more struggles in Kindergarten and first grade, educators around him realized he needed reading intervention. But, he is brilliant and his compensatory strategies and robust home supports shoring up his skills resulted in his evaluation showing it would likely be third grade before he "fell far enough behind" to qualify for special education services. He would eventually be identified to be dyslexic. I learned a lot from watching how this family navigated a nonsensical rule and situation, set up for a little boy to prove himself enough of a failure to be able to get help. I eventually saw the adverse effect requirement impact my family too albeit in a different way. I'm concerned about the potential inaction this summer on AOE's implementation of new rules to bring Vermont into compliance with IDEA, Individuals with Disabilities Education Act, and that kids will need to wait another year with needing to prove Adverse Effect in order for their team to set up help.

I hope the committee can consider the financial significance of further delaying removal of "adverse effect." In the "adverse effect criterion," a Vermont child must prove they are performing at or below the lowest 15% of their peer group before they are eligible to receive special education services. For a child who is dyslexic or visually impaired (these are my areas of personal experience), they may be receiving wonderful home environments that support literacy, rich experiences, higher-level discussions, etc. Their areas of "basic skills," such as writing, reading, and math, may take years of the child working as hard as they can to keep up with grade level work before they "prove" they have fallen far enough behind to meet the criterion of "adverse effect" (at or below the bottom 15% of their peers). Then a services plan (for example, for reading intervention with a small group tutor, or weekly tutoring in braille) is finally warranted. The situation has snowballed by then to include emotional, behavioral, social/peer, and wildly below-grade-level skills, which then land as a planning and financial burden to individual teachers and the school special ed team (likely after years of the family paying for piecemeal private

supports). The gap between the supports needed in kindergarten or first grade and fifth or sixth are enormous.

I hope this “adverse effect” requirement is removed so children with an identified or suspected disability such as dyslexia or vision impairment do not need to prove it is impacting their education so adversely that they are years behind before they are due help.

Karen Price of Vermont Family Network and Senior Planner and Policy Analyst, Susan Aranoff, ESQ of Vermont Developmental Disabilities Council) gave good testimony to the House Ed. Committee. Amazingly, the Agency of Ed and the State Board of Ed are in *agreement* about implementing the Rules changes on July 1, 2022, as planned last year. I hope no delay is allowed to continue the dehumanizing and confusing position a family is put in when told they live in the only state in the country to require a child fall into the lowest 15th percentile of their grade level peers before they can receive special education services, especially for a specific learning disability (SLD). The elimination of this “wait to fail” criterion could be a big step toward removing a structurally adversarial positioning of school and family, as well.

Thanks,
Katie Lane-Karnas
Calais

From: Peggy McLenithan <happykidsread897@gmail.com>
Sent: Wednesday, March 16, 2022 8:50 AM
To: Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>
Subject: [External] H.716

[External]

Please DO NOT delay the changes. Children are counting on you.

Peggy McLenithan
Fair Haven School

From: Rhonda Pagnucco <rhonda.doonan@gmail.com>
Sent: Wednesday, March 16, 2022 9:20 AM
To: Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>
Subject: [External] H.716

[External]

Dear Senate Education Committee members,

I am writing to express my concern about the possible removal of the second part of H.716 and to request that the Special Education Rule changes take effect as planned on July 1, 2022.

Adverse effect and the Discrepancy model for the identification of Specific Learning Disabilities harms children. As a speech-language pathologist and a parent of a child with a Specific Learning Disability this issue is of great concern as it impacts the students I work with and my son. I hope you will consider what is best for students in Vermont and allow the changes to take effect on July 1, 2022.

Kind regards,
Rhonda Pagnucco, MS, CCC-SLP
Charlotte, VT
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Rhonda Pagnucco (she/her)

From: Nicole Madison <nicolemadison4@gmail.com>

Sent: Wednesday, March 16, 2022 9:46 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] H. 716

[External]

Dear Members of the Senate Education Committee,
I soulfully request that you commit to the removal of the second part of the H.716 bill and to allow the Special Education Rule changes pertaining to the removal of Adverse Effect and the Discrepancy Model to take effect as planned on July 1, 2022.

As a special educator I have seen far too often a student's exclusion from specialized instruction because they did not meet the necessary criteria for adverse effect. These 'jumping through hoops' to document the impact is detrimental for those most vulnerable students. It places an undue burden on teachers already stretched thin to ensure they collect the 'right' documentation and to submit that to the school team for review. Sadly, this can cause great inequity for students. What happens to those students where the teacher is too busy to collect the documentation showing adverse effect, or is a new teacher and doesn't know the various documents that constitute as evidence, or the team is rushing to complete a number of triannuals and does not communicate well with the team about various examples that could be used for documentation? And what about the student whose parent does not have any understanding, or trust in the evaluation process? How does that parent ensure that the team has asked the questions that will gleam the best portrait of their child's educational profile?

Now, consider the student who struggles in only one domain area, ie. reading. This student might be able to compensate well enough to get passing grades in most subjects areas, yet is functionally illiterate. How does this happen? Sadly, this is the reality of the situation in many schools. Students who 'look' like they are doing well enough, yet when context clues are removed, there is no spell check to be used and they are forced to read aloud in the class it then becomes very obvious that these students DO NOT have the functional skills for success. There is a term, Stealth Dyslexia and it is far more prevalent than what many people think. These students compensate and compensate and compensate, but there is a point that they can no longer keep up. What then will happen? They are then years delayed, their peers see their failures which is devastating to self-esteem, and it becomes a situation where instruction is likely to no longer be effective at 'bridging their gap' before graduation.

Students must be identified early and access to the most rigorous, evidenced based instructional methods must be made available. As a state, we are not doing well. Our students are graduating without the proper foundational skills to be contributing members of our society. And sadly, even more are dropping out and becoming state statistics for drug use, homelessness, poverty, crime and imprisonment.

You, have the ability to be part of the solution rather than the problem. Please consider this when voting today.

Respectfully,
Nicole Madison
150 Convent Ave.
Bennington, VT 05201

From: Mari Book <mgbookwalter@gmail.com>

Sent: Wednesday, March 16, 2022 10:00 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] H.716 Bill

[External]

Greetings,

As a registered voter in the town of Putney, Vt., and as a Literacy Specialist in our state, I am writing today to ask you to remove the second part of H.716 and to allow the Special Education Rule changes to take effect as planned on July 1, 2022. Vermont must do a better job looking after our school children who have disabilities in reading, particularly with the abundance of knowledge gained from years of empirical research in the science of reading.

Also, thank you so much for your public service!

Best Regards,

Marilyn Bookwalter, M.S. Ed., C/OGA

Structured Literacy/Dyslexia Interventionist

From: Nicole Madison <nicolemadison4@gmail.com>

Sent: Wednesday, March 16, 2022 10:15 AM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] Fwd: [Scan] 2022-03-16 10:05

[External]

Attached is a recently released article from the publication Perspectives on Language and Literacy, Winter 2022 and available on www.DyslexiaIDA.org. Please take a moment to review the content regarding the importance of early screening. This must become a crucial part of our state's ongoing movement towards education improvement and equity.

Sincerely,
Nicole Madison
150 Convent Ave.
Bennington, VT 05201

From: Diane Solomon <vtsolomon@gmail.com>

Sent: Wednesday, March 16, 2022 12:37 PM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] Bill number (H.716)

[External]

Good afternoon,

I would respectfully ask that you, as a member of the Senate Education Committee **-remove the second part of H.716 and to allow the Special Education Rule changes to take effect as planned on July 1, 2022.**

I am a parent of a child who was not diagnosed until 3rd grade with dyslexia - I saw the difficulty this late identification and intervention had on his overall self esteem and reading abilities.

Thank you,

Diane Solomon

Barre Town, VT

From: Cote, Sharon L <sharon.cote@med.uvm.edu>

Sent: Wednesday, March 16, 2022 1:21 PM

To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>

Subject: [External] Bill number (H.716)

[External]

Good morning,

I am writing to you as a voter in the town of Moretown. I teach a course at the University of Vermont to future SLP masters level students regarding special ed law (CSD 327). I have kept up with the new changes to the Vermont Special Education law and have shared with the graduating class the new regulations to be put into place 7/1/2022. I heard today that there will be debate on postponing the new regulations for a year. I am opposed to waiting another year. The changes to adverse effect, specific learning disability, and increased documented parental input are very good changes. I can see how these changes will require more in-depth discussion in Evaluation Planning Teams and IEP team meetings, but discussions should be a welcomed activity. Delaying a year will further affect eligibility decisions for Vermont school children. Thank you for your time. Sharon Cote

Sharon Cote

MS CCC-SLP

She/Her/Hers

Director of Clinical Education

Clinical Associate Professor

UVM Department of Communication Sciences and Disorders

From: Karen Price <karen.price@vtfn.org>
Sent: Wednesday, March 16, 2022 5:09 PM
To: Andrew Perchlik <APerchlik@leg.state.vt.us>; Brian Campion <BCampion@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>; Joshua C. Terenzini <JTerenzini@leg.state.vt.us>; Thomas Chittenden <TChittenden@leg.state.vt.us>; Virginia Lyons <VLyons@leg.state.vt.us>
Cc: Sarah Wallace-Brodeur <sarah.wallace-brodeur@vtfn.org>; Jamie Rainville <jamie.rainville@vtfn.org>; Robyn Freedner-Maguire <freednermaguire@gmail.com>
Subject: [External] H. 716 - Vermont Family Network

[External]

Dear Members of the Senate Education Committee:

As the Parent Center Director of Vermont Family Network (VFN), I am very concerned about the negative effect on students with disabilities if H. 716 (Education Miscellaneous bill) is passed as written. The second part of H. 716 will delay the implementation of the changes pertaining to adverse effect and specific learning disabilities to the Special Education Rules 2360 that are scheduled to start July 2022. The attached letter outlines some of the reasons why the Special Education Rules should go into effect as originally scheduled.

Please contact VFN if you need further information or have questions about the impact of the second section of H. 716 on our most vulnerable children, those that have been disproportionately impacted by the pandemic. Thank you.

Respectfully,
Karen

Karen Price
Co-Director of Family Support - Education
Project Director, Parent Training & Information Center
Vermont Family Network
Karen.Price@vtfn.org
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Fax: 802-876-6291
www.vermontfamilynetwork.org

