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Cc: Daphne Kinney-Landis <dkinneylandis@leg.state.vt.us>

Subject: [External] H.716 - Large changes to Special Education Rules is false

[External]

Dear Senate Education Committee Members,

The rhetoric that there are large changes to Vermont's special education rules is false. While the Series 2360 - Vermont Special Education Rules is a large set of rules (169 pages), as outlined in the former State Board of Education Chair Mr. John Carroll's letter to the LCAR committee (attached), very few changes were made to the special education rules. The second part of H.716 eliminates almost ALL of the special education rule changes, except for an additional short paragraph to Rule 2363.7 that allows parents to add written comments to an IEP. All of the rule changes to rules 2362 and 2362.2.5 are shown in less than four pages in the attached document. These are not huge changes as claimed by special education administrators.

Much of the description of the process for identifying students with a specific learning disability by special education administrators in today's testimony (March 22, 2021) is in the old rules and is not changing with the revised rules. So, this description just tends to obfuscate rather than clarify the proposed delay in special education rules as outlined in the second part of H.716.

To identify a child with a specific learning disability, such as dyslexia, the discrepancy model compares the difference between a child's aptitude (as measured on an IQ test) and performance (as measured on academic assessments). However, IQ-discrepancies often do not present with a meaningful discrepancy until 3rd, 4th, or 5th grades, well past Kindergarten and 1st grade when interventions are most successful.

Research does not support IQ as a useful tool for identifying struggling readers. A 2002 meta-analysis of studies of the use of the discrepancy model found "little evidence supporting the validity of the IQ-discrepancy classification ... and cast doubt on the need for IQ tests ..." (Stuebing et al., 2002). Use of the discrepancy model results in poor readers who "do not display this discrepancy" (Stuebing et al., 2002).

1. IQ is not a good predictor of achievement or reading ability, 2. IQ testing has no diagnostic or instructional utility, and 3. IQ tests discriminate against minority students resulting in their disproportionate placement in special education.

Let's be clear: Both the old rules and the revised rules allow the use of response to intervention for identifying students with a specific learning disability. This has NOT changed! Federal Law does not require special educators to use the discrepancy model for identifying children with specific learning disabilities. The revised rules do NOT require special educators to learn and use a pattern of strengths and weaknesses in identifying children with specific learning disabilities as stated by Superintendent Ms. Randi Lowe.

Instead of IQ testing, schools can select, administer, and appropriately interpret data from assessments that:

1. satisfy critical elements of technical adequacy (validity and reliability), 2. measure discrete foundational reading skills required for skilled reading (e.g. phonemic awareness, phonics, fluency, spelling, etc.), and 3. provide instructional value (data that are used to guide lesson planning or select additional assessments).

These are all aspects of response to intervention (RtI)! Why test IQ when you want to know if a child can read?

Approximately 1/3 of children with disabilities have a specific learning disability (dyslexia). Eliminating the adverse effect gate in the rules for these children, means that not only do children get earlier interventions, but teachers no longer need to pull together grades and assessments to determine an adverse effect on education.

Experience shows that 20-30 minutes of evaluation meetings will no longer be spent discussing and deciding on the adverse effect gate.

This saves time. All these aspects of eliminating adverse effect for children with specific learning disabilities is a win-win for both children and teachers! And another great reason NOT TO DELAY implementation of the revised rules.

Eliminating the discrepancy model means children will be identified earlier. Districts will no longer need to perform expensive and lengthy psychoeducational evaluations which provide little instructional value. Instead teachers can rely on the results from the RtI component of their multi-tiered system of supports (MTSS).

MTSS is already being used as testified to by Superintendent Ms. Randi Lowe. Again, this is a win-win for both children and teachers!

DO NOT DELAY implementation for all these great reasons.

Please let me know if you have any questions or concerns.

Thank you for your attention to this issue.

Sincerely,

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