

Vermont Association of School Psychologists



March 29, 2022

Dear Senate Education Committee:

I am writing today on behalf of the Vermont Association of School Psychologists (VASP) and VCSEA regarding House Bill 716 and the request for the delay in the rule changes in special education. For the record, the VASP and VCSEA is in favor of a delay in order for the individuals responsible for implementing the rule changes to receive adequate and appropriate training necessary to ensure that the rule changes are implemented responsibly and with fidelity. While the rationale for supporting a delay focuses on the need for training, it is important to understand we are focused on this training need as a way to limit the possible inequities to our students across the state. Most school districts have not had the time and resources needed to train for the changes. If all districts are required to roll out this change without proper preparation, we risk the potential of harm to our already most vulnerable students. Ethically, as professional organizations, we cannot support the rush to implement changes while understanding how unprepared our professionals are and the possible harm that could result to our students. We are requesting a delay as we do feel the changes will ultimately benefit our students, but as described in more detail below, these are extensive changes which require substantial systems-wide adaptations.

School psychologists are uniquely trained to understand, assess, and support student learning and teacher instruction. With training in both psychology and education, school psychologists are members of school teams with expertise in: data-collection and analysis, assessment, progress monitoring, instructional support, academic/learning interventions, behavioral interventions and support, and school-wide practices to promote learning to name only a few areas of training school psychologists receive. With that in mind, you have heard testimony that there are districts within the state that do not have a school psychologist and are relying on outside consultants to provide school psychological services. Currently, the recommended ratio of school psychologists to students is 1:500 ([National Association of School Psychologists, 2022](#)); however, given the most recent data from the U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Public Elementary/Secondary Education Survey" reports Vermont's current ratio as 1:1,040, double the recommended ratio. This is significant when considering the readiness of Vermont schools implementing the special education rule changes as many schools do not have the professionals with the expertise necessary to assist with implementation. While schools may have individuals who can collect, assess, or analyze data, they may not have the necessary training to understand the nuances among disability categories, data-interpretation, or learning profiles.

Furthermore, while both methods of identification of specific learning disabilities: use of Response to Intervention (RTI) or the use a model based on other alternative research-based procedures, commonly known as Patterns of Strengths and Weaknesses (PSW) have been in practice for approximately the past 20 years, training among school psychologists varies. A recent survey of VASP members revealed that approximately 50% of respondents had graduate level training in the use of RTI, 23% had professional development in the form of online coursework, and 59% had attended workshops on RTI. With regard to the use of PSW, 27% had graduate level coursework, 18% had completed online coursework, and 82% had attended workshops of PSW. Additionally, 27% felt comfortable using RTI to determine the presence of a specific learning disability and 32% felt comfortable using PSW to determine the presence of a specific learning disability. Lastly, and perhaps most notably, only 13.6% believed that their school district was ready to implement the special education rule changes on July 1, 2022.

Questions regarding the professional development needed to get the field ready to implement the rule changes have been raised. As a trainer of school psychologists, I can attest to the fact that students receive 7 weeks (2.5 hours in-class plus work outside of class) of instruction in the use of RTI and another 7 weeks of instruction in the use of PSW prior to supervised practice of these approaches. While these are students who do not have the same background knowledge as those currently working in the field, it does speak to the level of training needed to ensure that individuals are ready to utilize each of these approaches. Furthermore, as a trainer, I have immersed myself in the literature regarding each approach and have completed an online training in PSW totaling approximately 40 hours. That is in addition to teaching the content to the students.

In 2015, the Chesterfield County School District in Virginia changed how they identified a student with a specific learning disability, moving to a Pattern of Strengths and Weaknesses approach. In their presentation to the school board, they revealed that the process they took in making that transition was a three-year process. Year one focused on learning more about Patterns of Strengths and Weaknesses and reviewing the research, while year two was spent learning the foundational knowledge necessary to implement the changes in their district in which teams from 12 schools met five times throughout the school-year to complete mock case studies, run through data, and develop checklists and training materials. Year three was spent training special education administrators and special education teachers on the use of PSW ([Chesterfield County Schools](#), 2015). It should be noted that this transition was led by the school psychologists within this district.

The [RTI Action Network](#) also provides a timeframe for rolling out Multitiered Systems of Support and RTI in schools. They also outline a three-year timetable for implementation. Year one is focused on core instruction and ensuring that core instruction is effective. Year two is spent expanding on the process with emphasis on Tier 2 and small group supports and interventions while year three adds the Tier 3 services and supports. It should be noted that it is clearly stated that RTI will not work without the appropriate infrastructure in place, including but not limited to “data days” that are built into the school calendar and time within the school day for supplemental instruction and intervention. Therefore, if schools do not already have

these systems in place, they will need to revamp the structure of the school day as well as the calendar year to ensure that those necessary components are in place. Furthermore, training and supports may be needed for administrators, general education teachers, special education teachers, and evaluation team members. The [Vermont MTSS Field Guide](#) was first published in 2014 and then updated by the Agency of Education in 2019; however, not all schools in Vermont have implemented the recommended structure for a variety of reasons. As previously noted, to do so effectively will take time, resources, and commitment, ultimately denying students access to services because Tier I will not have been sufficiently implemented.

Some districts have had the opportunity to use some MTSS or RTI models. However, as noted by the Learning Disability Association of America ([Learning Disabilities Association of America, 2022](#)) identification of a learning disability goes beyond calculating the rate of improvement in response to an intervention, but must also take into account qualitative and process factors which school psychologists have the unique clinical training to interpret within the school settings.

During the 2014-2015 academic year, the AOE put together a stakeholders taskforce to examine adverse effect and develop training for professionals. Together, the group reviewed areas of challenge, identified needs, and developed and presented training regarding how to implement adverse effect. The trainings began in January 2016 and continued throughout the spring. The AOE then used that information to develop a webinar and required districts to submit documentation that each of their new special educators receive the training yearly. A similar process will likely be necessary to adequately train professionals regarding the adverse effect rule changes outlined in 2360, recognizing that this was a two-year process.

The VASP and VCSEA adamantly supports the changes specified in Rule 2360; however, given the challenges outlined here, as well as in our previous testimony, the Vermont Association of School Psychologists and Vermont Council of Special Education Administrators urges the Senate Education Committee to consider delaying these rule changes. As others have testified, schools that are ready to utilize RTI for SLD identification or districts that are prepared to use an alternative, research-based method for identification (e.g. PSW), have the opportunity to do so under the current regulations. Insisting on changes without proper training and preparation has the potential to harm the very children we seek to support. Thank you for your attention to this matter and we are happy to provide oral testimony or answer questions that you may have.

Sincerely,

Shannon Newell, NASP Delegate - Vermont Association of School Psychologists
Darren McIntyre, Executive Director - Vermont Council of Special Education Administrators